

THE OFFICE
AND DUTIE
of Constables, Church
wardens, and other the
Overseers of the
Poore:

Together with the Office and Du-
tie of the Surveyours of the
High-ways.

*Collected for the help and benefis of such
as are ignorant and unskilfull in the
discharge and execution of the
said Offices.*

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THE OFFICE

Christopher White
his Book Bought
at Colchester price

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To the Reader.

riendly Reader, the labour I have taken for thy behoof, I may boldly say, doth require a favourable acceptance: for matters of as small moment as this have threatned on thee as great kindnesse, and received for their pains friendly entreaty. I have studied to be brief I hope without obscurity, for sparing thy time, the chiefest treasure. And did I doubt that these my weak endeavours in the equall judgement of such as be indifferently affected, would not be admitted as commodious, rather then rejected as superfluous, I had procured them a veil of greater brightnesse, which might encrease the reputation of their perfections, if any, and shadow
A 2 their

Gen. Res. 13 May 42 Norman

To the Reader.

their wants and deformities. It is true, I am not ignorant how dangerous it is to put my self so farre forth into the Sea of common opinion, and I cannot but see that by reason of the shelves and rocks of injurious conceits, which are ready to be found on every hand, I am like to passe no small adventure; however for once I have ventured to commit my self to thy favourable censure, who am


Thine,

JOHN LAYER.

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A

*brief direction touch-
ing the office and duty of Con-
stables, collected for the help of
such as are unskilfull and
ignorant in the dis-
charge and executi-
on of the said
office.*

 Onstables are infe- Constables defined.
riour officers or-
dained for the con-
servation of the
peace, and are of two sorts.

Constables of Hundreds Two kinds of Constables.
and Franchises, called the
chief or high Constables.
Constables of Villages and
Parishes, called the petty
Constables.

The generall office and du-
ty

Chief
Constables
their
office.

ty of the chief Constables consisteth in the maintenance of the peace, in presenting to the Justices the defects of watches, and defaults of the Kings high-wayes, to collect and pay the moneys charged and raised in and upon the Countrey, to distribute the precepts and warrants of the Magistrates to the petty Constables of villages, and to have respect to the Arms within their hundred, &c.

Where an-
ciently, and
now, elect-
ed and
sworn.

In ancient time these officers were appointed and sworn by the Sheriff of the shire in his Court called the Sheriff's Turn: But at this day they are usually elected and sworn at the generall Sessions of the peace (of the most sufficient and discreet yeomen) and sometime from thence referred to the choice and swear-

swearing of the Justices of their division.

Constables of Villages were devised for the ease and help of the Constables of Hundreds, and have the same power within their parish, as the chief Constable hath in his hundred. They are to be chosen of the abler sort of Parishioners, and the office ^{Petty Constab. their use and office.} ^{Who they ought to be.} not to be put upon the meaner sort, if it may be.

It is requisite also that they have these three properties, honesty, knowledge, and ability. First, honesty, to execute their office truly and indifferently without malice or affection. Secondly, knowledge, to understand what they ought to do. Thirdly, ability as wel in estate as in body, that they may intend and execute their office fully and sub-

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The Duties of

substantially, so as neither through impotency of body or indigency of estate he neglect the same.

Where elected and sworn.

The proper place to chuse and swear the petty Constables is the Leet; but in their default, or for insufficiency of choice there made, the common practice is that the Justices of peace in their division do cause the inhabitants, where such default or insufficiency of choice is made, to make better choice and to bring them before them to take their oath. But others are of opinion, that the remedy of the choice of mean Constables in the Leets ought rather to be reformed at the generall quarter Sessions, who are not onely to make new choice, but to punish the Steward of such Leet for

Constables.

for making the insufficient
choice.

*The form of the oath of a
Constable.*

You shall swear well and Oath.
truly to serve our Sovereigne
Lord the King in the office
of a Constable; you shall see
and cause his Majesties peace
to be well and duly kept
and preserved to the utmost
of your power; you shall ar-
rest all such persons, as in
your presence shall ride or go
armed offensively, or shall
commit or make any riot, af-
fray, or other breach of his
Majesties peace; you shall do
your best endeavour upon
complaint to you made to
apprehend all Felons, Barri-
tours and Rioters, or persons
riotously assembled, and if a-
ny such offenders shall make
resistance

resistance with force, you shall levy Huy and cry, and shall pursue them untill they be taken: You shall do your best endeavour that the watch in your town be duly kept, and that Huy and cry be duly pursued according to the statutes: And that the statute made for the punishing of rogues, vagabonds & night-walkers, and such other idle and wandring persons coming within your liberties be duly put in execution, you shall have a watchfull eye to such persons as shall maintein or keep any common house or place where any unlawfull games or plaies are or shall be used, as also to such as shall frequent or use such places, or shall exercise or use any unlawfull games or plaies there
or

or else-where contrary to the statute, and you shall have a care for the maintenance of archerie, according to the statute. At your Assises, Sessions or Leet, you shall present all and every the offenses committed or done contrary to the statutes made and provided for the restraint of the inordinate haunting and tipling in Taverns, Innes, Alehouses & other Victualling-houses, and for the repressing of drunkenness and profane swearing; you shall true presentment make of all blood-shedding, affraies, outcries, rescues, and other offenses committed or done against the Kings peace within your limits; you shall well and duly execute all precepts and warrants to you directed from the Justices of the

the peace and others in authority in this County. And you shall well and duly according to your knowledge, power and ability, do and execute all other things belonging to the office of a Constable, so long as you shall continue in the said office. So help you God, &c.

This or the like oath may be administred to the Constable of the Hundred, with this addition, that they keep their statute Sessions at such times and in such manner as is prescribed by the statute; and that in all such rates and taxes where they have authority to charge their Hundred, they do it justly and indifferently in each behalf.

I have exemplified this oath at large, because therein as well the Constables of Hundreds as of Villages may

St. 5.

Elis.

c. 4.

Constables.

9

briefly see & discern the chief particulars of their office.

The duty as well of the chief Constables of hundreds as of the petty Constables of villages and parishes consisteth chiefly in matters concerning the peace, either by their own authority or under the authority of others.

Division of
their office.

The conservation and maintenance of the peace standeth in these three things.

Their office concerning the peace.

First, in foreseeing that nothing be done that tendeth either directly, or by means, to the breach of the peace ; Secondly, in quieting or pacifying those that are occupied in the breach of the peace ; Thirdly, in punishing such as have already broke the peace

The endeavour of all these belongeth to the Constables, but the first and last more especially

ſpecially apperteineth to the Juſtice of the peace.

What is the breach of the peace.

By the breach of the peace is underſtood, not onely that actuall fighting, affray and battery, but alſo every murder, manſlaughter, rape, robbery, and other felony whatſoever; and by ſome opinions every aſſaulting or putting in fear of the Kings people, whether it be by unlawfull wearing of armour, or by aſſembling of people to do any unlawfull act whatſoever.

And for the better preventing that nothing be done againſt the peace, any of theſe officers may take and arreſt all ſuſpected perſons, as well ſtrangers as others, which walk in the night and ſleep in the day, or which do haunt any houſe ſuſpected of bawdry, or ſhall in the night
uſe

use other suspicious company, or shall do or commit any outrage or other misdemeanour, and they may carry them before a Justice of the peace to find surety of their good behaviour. And if any such officer be not of sufficient strength to do it alone, he may require meet aid of his neighbours thereto, and they in such case are punishable for neglecting to assist him.

They shall also appoint ^{Night-}night-watches from the feast ^{watches.} of Ascension untill Michaelmas yearly, by two or more watchmen, according to the number of the inhabitants of the town, all the night from sunne setting to sunne rising, for the arresting of all such persons as do walk abroad in the night season as well strangers as others.

These

Huy and
cry.

These officers ought not onely to see these watches duly set and kept, but ought also to raise huy and cry after such as shall disturb and refuse to obey the arrest of the watchmen, and that the persons appointed for this service be men of discretion, able bodies and sufficiently armed.

Watchmen
how ap-
pointed.

These watchmen shall be appointed by the Constable by course or turn, and not at the Constables discretion.

Refusers to
watch.

And if any one so appointed shall refuse to watch, the Constable *ex officio* (by some opinions) may set such person in the stocks for such his contempt, but the safest way (as I conceive) is to charge the next in turn, and forthwith to convent the party before the next Justice of peace

peace, by him to be bound over to the next generall Sessions of the peace there to be indited for his offence.

The watchmen thus appointed, may have these or the like instructions or directions given them.

To keep the peace amongst themselves, to continue their watch diligently untill the Sunne-rising without noise and disturbance of the inhabitants, that they abide and frequent the common passages, but so as they have regard also to all other places, that they examine all such persons as they shall see stirring or shall passe by them, what they be, whence they come, whether they go, and the reason of their late travel or being abroad, and if cause of suspicion be found in
B them

Watch-
mans
charge.

them to stay them, if they obey not but resist, to constrain them by force, and to beat them for resisting the peace of the Realm, if they bee too strong or fly them, to levy huy and cry for the apprehending of them, and to set them in the stocks untill the morning, and then to have them before some Justice of peace to be dealt withall according to justice; to resort such places where they behold any candle or fire-light to know the cause, or where they heare any noise of people, especially in Taverns, Innes, and Alehouses, and finding any thereto admonish them to depart, and refusing, to compell them as aforesaid. And if any unknown person, horse-man or foot-man shall passe by them, or
that

that shall drive any cattel, horse, or the like, or that shall carry any burthen on horse back, cart or otherwise to stay them till the morning to justifie themselves, unlesse they can render good account both of themselves, their company and carriage, and if any post come by them to know what number they have, lest offenders also passe under that pretence.

And the Constables are also to be aiding and assisting to these watchmen upon all occasion.

Constables
must aid
the watch.

And the Constables of hundreds and of towns ought to present to the Justices the defaults of watches and of high-ways, and of such as lodge strangers for whom they will not answer.

Defaults of
watches.

If any person whatsoever

B 2 (except

Offensive
armes.

(except the Kings servants and ministers, in his presence, or in executing his precepts, or such as shall assist them, or except it be upon pursuit of hue and cry, appeasing of riots, or the like, or in going to, or from the musters) shall ride or go armed offensively, or *in terrorē populi*, by night or by day, in fairs, markets or any other place, the Constables may take and seise such armour from him, and may apprise and sell the same for the Kings use, and may also carry him before a Justice of peace who may bind such party to the peace or good behaviour, and for want of sureties may commit him to the gaol.

And all officers that have been remisse or negligent in the execution of this statute shall

shall be punished according to the discretion of the Justices of Assise.

If any great assemblies or rumour of people be made in manner of insurrection, then the Sheriff, Constables, &c. having knowledge thereof, ought to attend the Sheriff and the Justices, and to go with the strength of the County and to oppose themselves against it, and also to take arrest and imprison the offenders; and so ought they to do upon riot, rout, or unlawfull assembly, or against any forcible entrie or detainer.

Insurrections, riots, &c.

If any man threaten to kill or wound another in the hearing of a Constable, and he who is so threatned do pray such Constable to arrest the other to find surety of

One threatned.

the peace, then may and ought the said Constable to arrest him to go and find surety before a Justice of peace, and if he refuse to go or flyeth, the Constable may imprison him in the stocks, till he have sufficient aid to convey him as aforesaid. But if he yield to go it is requisite that he take the party threatned with him to the Justice.

Pacifying
the breach
of the
peace.

If a Constable shall see any man going about to break the peace, as by using hot words by which an affray is like to grow, he may and ought in the Kings name to command them to depart and surcease upon pain of imprisonment, and if they will not depart but shall draw weapon or give any blow, then ought he to do his best endeavour to depart them,
And

And he may for that purpose both use his own weapon, and may also command others to assist him, And if thereby such officer, or any other person coming to assist him do take any hurt, he shall have good remedy by action against him that hurt him; but if any of them that made the affray be hurt by such officer, or by any of his company, then such person so hurt shall have no remedy for it.

If the affray be great and dangerous then may he in the Kings name make Proclamation, that the affrayers shall keep the Kings peace and depart. And if they will not depart but make resistance, he may commit them for a time to the stocks, till their heat be over, or that he may

Make Proclamation.

The Duties of

carry them before a Justice of the peace to find suretie, especially, if any person have received hurt in the affray.

Pursuit of
affrayers.

If the affray be in a house, and the doores shut, the Constable may break into the house to see the peace kept, though none of the parties have taken any hurt; or if he that maketh the affray fly into any house, the Constable (in fresh suit) may break into the house and apprehend the affrayers, or if he fly into another Countie, the Constable (in fresh suit) may pursue them, and cause them to be taken there, but he can meddle no further with them but as a private person may do, that is, to carry them before a Justice of peace of the Countie where they are taken, to cause them to find suretie

suretie for the peace. But if the affrayers fly into a franchise within the same Countie, the Constable may in fresh suit pursue and take them out of the franchise.

The Constable after an affray, and not present at the same, cannot without a warrant arrest the affrayers, except some person have received some hurt.

The affray ended.

If the Constable that shall be present at an affray, doth not his best indeavour to part the affrayers, or being requested to assist in the pacifying of an affray done out of his presence doth not go forthwith, in both these cases he shall be deeply fined.

Punished for not assisting.

If any shall assault a Constable in the execution of his office, he may not onely lawfully defend himself, but may

Assault a Constable.

The Duties of

may also arrest the offenders, and carry them before a Justice of peace, &c.

Private
man.

Every private man being present before, or in, and during the time of an affray, may and ought to stay and part the affrayers, or any that shall come to their assistance, but may not hurt or imprison them unlesse some person be dangerously hurt in the affray.

Affray
what.

Note that it is properly no affray, unlesse there be some weapon drawn, or some stroke given, or offered to be given, or other attempt to such purpose; for if men contend onely in hot words, this is no affray, neither may the Constable for words onely, lay hands upon them unlesse they shall threaten also to kill, beat, hurt, or wound another. If

If one assault a man in or nigh the high-way to rob him and he be taken by the true man, or by any other, and be brought to the Constable, then ought such a Constable not onely to take him to his ward, but also to carry him before a Justice of peace to cause him to find suretie for the good behaviour.

Assault.

So if any man do suspect another of murther or felony, and do declare the same to the Constable of the place, then may the Constable arrest such suspected person, and carry him with his accuser to some Justice of the peace, &c.

Arrest.

A felony being newly committed, the Constable within his limits may search for the felon, or the goods stollen, for it is a chief part of

Search.

of their office to suppress felons, for if there be but a common fame that A. B. hath done a felony, it is cause sufficient for the Constable that shall thereof suspect him to arrest him for it.

Seise the
goods of a
felon.

If any man shall fly for felony, it is the office of the Constable of the town to seise on his goods, and to keep them safely: for the town is to answer for the losse and impairing of them; and therefore it is fit that he do it by Indenture taken in the presence and under the testimony of the honest inhabitants.

In like manner upon the apprehension of any person for felony, the Kings officers may seise on all the goods and chattels of the offenders, but shall preserve them, dispensing onely so much

much of them, as is fit for the necessary sustentation of the owner imprisoned, without wasting or disposing of them untill the party be convicted; for then, and not before the property of them is in the Crown.

Observe, that in all cases, where this officer hath arrested, or hath committed to his ward an offender, that ought to be conveyed to the goal, such officer is not bound instantly to carry him thither, but may for a reasonable time safely detain him in the stocks, or elsewhere, untill convenient provision of strength may be made to convey him safely.

Conveying
of prison-
ers.

The gaoler of the Prison, to which such an offender is sent, must receive him freely, without taking any thing of the

Charges of
conveying
Prisoners.

the bringer. And every person that shall be so sent, having means and abilitie, shall bear his own charges, to be levied of his goods and chattels by the Constable by warrant from a Justice of the peace; and not having any goods, &c. then to be born by the Parish where such a fellow is apprehended by an indifferent assessement to be made by the Constables and Church-wardens, and two or more of the honest inhabitants there, by allowance of one Justice of peace.

Huy and
Cry.

The Constable having received a huy and cry for any felony, murder, robbery, &c. ought with all possible speed to make diligent pursuit after the offenders, both by horsemen and footmen, from town to town and from County to County,

County, which way it is directed, and to make diligent search and enquiry for such within his own limits, for otherwise it is no lawfull pursuit. And the Constable for his particular neglect herein, shall be fined, and the whole hundred where the robbery was done shall answer for the robbery and the damages, if none of the felons be taken or known within forty daies after the robbery committed

And the inhabitants of any other hundred wherein negligence or defect of pursuit and fresh suite shall happen shall answer and satisfy the onemoity to the hundred so damnified.

And when huy and cry is first levied, it ought to be sent to every town round about, East, West, North, and
South,

South, and they shall do well to expresse in writing to the pursuers the quality of the thing stollen, with the colour and marks, and also to describe the number of the felons, their horse, apparel, &c.

If a man be slain within the limits and bounds of any town, in the day time, and the murderer escape, the whole town shall be amerced for the escape.

All men
must pursue
felons.

Upon any felony committed all men generally shall be ready at the commandment of the Sheriff, &c. and at the cry of the Countrey to pursue and arrest felons upon pain to be grievously fined. And every man is a sufficient Bayliff or Officer to apprehend him that is pursued by huy and cry; and if he be taken with the thing supposed

to

to be stollen, though he neither be of evil fame, nor a stranger, yet every man may commit, as well such suspected person, as also such goods to the Constable of the town where they be apprehended, to answer the King according to the Law.

Note that these officers may break open any mans house to apprehend a felon, or any person vehemently suspected of felony, being in the said house, and so may they do in any other case where the King is a party.

Break into
a house for
felons.

As watches in the night, so warding by the day shall be appointed in every town and village for the apprehending of rogues and vagabonds, and for safety and good order. And for that purpose, that there be able

Ward.

C

persons

persons appointed and sufficiently weaponed to assist the Constables of every town to attach such vagabonds, &c. And if any township shall not observe this order for the attaching and punishing of the said vagabonds, then the Justices to set due punishment by fine upon the whole township or upon such party in the town as shall be found in default.

Rogues
and Va-
grants.

Note that every person whatsoever, above the age of seven years, that under any pretence or colour whatsoever shall wander and beg out of their own parish, whether with passe or certificate or without, and every one that carrieth any manner of passe, or other certificate for that purpose without a guide shall be apprehended, punished and conveyed

conveyed as a rogue; for the law alloweth no person whatsoever to wander and beg, nor any to make passes to that end: wherefore all passports and certificates to ask relief in any kind are either false and counterfeit or otherwise contrary to the Law, and the bearers of such passes are to be punished and conveyed as aforesaid, and their false passes taken from them, or else to be caried before the next Justice of peace to be sent to the gaol, or to be strictly examined touching the makers of such passes, to the end they may be found out and punished. These persons hereafter named shall be deemed and punished as rogues, *viz.* all persons wandering and misordering themselves, all persons which

cannot render a lawfull account of their travel, all Irish people wandring and begging under any pretence whatsoever, all persons calling themselves scholars going about begging, all sea-faring men, pretending losse of their ships or goods going about begging, all idle persons going either about begging or feigning themselves to have knowledge in Physionomy, Palmestry, or other like crafty science, or pretending that they can tell destinies, fortunes, or such other phantasticall imaginations; all persons calling themselves Proctours, Procurers, Patent-gatherers, or collectours of gaols, prisons or hospitals; all Fencers, Bearwards, common Players of interludes, and Minstrels wandring abroad
being

being not lawfully authorised; all Juglers, Tinkers, Pedlers, petty Chapmen and Glassemens wandring abroad, all wandring persons and common labourers, being of able bodies, using loytering and refusing to work for such reasonable wages as is taxed, or commonly given there where such persons do inhabit, having not living otherwise to maintain themselves; all persons delivered out of goals that beg for their fees, or otherwise do travel begging; all persons that shall wander abroad begging, pretending losse by fire or otherwise, and all persons not being felons wandring and pretending themselves to be Egyptians, & all persons wandring in that habite, form, or attire of Counterfeit Egyptians.

Souldiers
and Mari-
ners.

Souldiers and Mariners which have been pressed for their Countrey's service, and shall return from beyond the Seas disabled, or otherwise, and shall bring with them a lawfull discharge under the hand and seal of the generall of the Army, or Captain of the ship under whom they served, signifying their service and cause of return, are by the next Justice of the peace to the place of their landing to have a passe or landing-brief made them, wherein they are to be allowed a competent time to travell the next straight way to the place where they were born, or from whence they were impressed, there to be provided for according to the statute. And in this their travel they are to repair to the

the Treasurers of every town and County through which they passe, who is to allow them sufficient means to convey them to the next Treasurer untill they arrive at the place limited. And if any souldier or mariner (other then such as have suffered shipwrack) whether he have a passe or no, shall in his travel as aforesaid , beg or demand relief of any person whatsoever, officer or other, the Treasurers excepted, he is to be punished as a rogue, unlesse through sicknesse or other apparant infirmity, he be disabled to travel with his aforesaid allowance betwixt one Treasurer and another, and in these cases to be releived onely by the Constable. And if such a souldier or mariner shall depart from

his colours or Captain without a lawfull discharge, or shall counterfeit such testimoniall, or shall carry any such knowing it to be false and counterfeit, or shall wilfully exceed such testimonial fourteen dayes, or shall not settle himself in some lawfull calling, but live idly, it is felony of death in all these cases, and the Const. knowing or suspecting the same ought to apprehend the offender, &c. And every Const. may examine all souldiers & mariners hereof, as also of their return from the warres, &c.

Persons
travelling
to the
Bath.

Persons allowed by two Justices of peace to travel to the Bath or Buxton for cure of their grief, and persons permitted by one Justice of the peace to seek harvest work, are to be provided of sufficient maintenance in their said

travel, & are not to beg upon pain to be punished as rogues.

The Constable being assisted by the advise of the Minister and one other of the parish, upon the apprehension of every such rogue as aforesaid, shall cause them to be stripped naked from the middle upward, and to be openly whipped untill his or her body be bloody, & then to be sent from parish to parish by the officers thereof, or other sufficient guide with a passe, the next straight way to the parish where he or she was born, or last dwelt by the space of a year (as the case is) or being unknown, to the parish where he or she was suffered last to passe unpunished.

Punishing
of rogues.

Rogues are either such as never had any certain dwelling or place of abode, or such

Two kinds
of rogues.

How to be
settled.

such as have had or have some settled dwelling or place of abode, the first of these are to be sent to the place of their birth, being known; or being unknown, to the house of correction or gaol thence to be bestowed in some service, hospitall, &c. the second are to be sent to the place of their last settling by the space of a month, &c.

The form of the said Passe or Testimoniall may be this.

Testimo-
niall of a
rogue.

A. B. a sturdy rogue of middle stature, &c. being taken begging and vagrant in the parish of Shep. in the Countie of Cambridge, and there punished this day of J. 1639. according to the statute: These are therefore in his Majesties name to charge and command you to whom it doth appertain, to convey

convey the said *A. B.* from parish to parish by the officers thereof the next and ready way to the Town of *D.* in the county of *N.* where he or she affirmeth he doth dwell, or did last inhabit, or was born, (as the case is) there to be provided for according to the law, and for his or her travel to the place aforesaid is allowed dayes and no longer, at his and your perill; Sealed and subscribed the day & year above written.

By us, { *S.W.* Minister,
 { *H.R.* Constable,
 { *I.G.* Parishioner.

Or any two of them, the Constable to be one.

And if such rogue (through his own default) do not accomplish the order of such Testimoniall, then is he or she to be whipped at every place

Again pu-
nished.

place for every such default, till he or she repair to the place limited. And this Testimoniall is not to be committed to the hands of the rogues, but is to be conveyed together with such rogue by the officer himself, or other sufficient guide, who is to deliver both to the officers of the next parish, till &c. and if default be made by the officer, he may be indited therefore.

How con-
veyed,

And used.

Rogues sent as aforesaid, are to be lodged and allowed some small relief in their said travel by the Constables of the township through which they passe or lodge, and are not to be suffered to beg. And if any officer shall relieve or harbour any, or in any other manner then is expressed, he shall not onely bear the losse thereof

thereof himself, but shall also forfeit the summe of ten shillings.

Constables are not to post away such persons as shall come or be sent unto them that are desperately sick, or women with child ready to be delivered, but are to keep such till they recover strength; for by this means many have perished: neither are they to deliver any vagabonds or cripples to the next Constables after sun-set, or to convey such, especially cripples by horse or cart upon the Lords day, upon pain of punishment.

Directions
in passing
of Cripples
and Vagrants.

And the Constables that shall send a rogue, &c. by a generall passport without conveying him from parish to parish, or that shall refuse to receive a rogue sent, or doth
not

Generall
passports.

Hinderers
of their pu-
nishment.

not convey and deliver him to the officers of the next parish, in all these cases he shall forfeit five pound, and be bound to his good behaviour; and so shall every other person that in any wise shall hinder or disturb the execution of the law, concerning the punishing and conveying of rogues, &c. and every person that shall receive, relieve, or harbour any rogue or vagabond, and shall not apprehend and carry them to the Constable to be punished and conveyed shall forfeit for every default ten shillings.

Relieving
and harbour-
ing & not
punishing
rogues.

Constables shall answer for every rogue or vagabond that shall be seen to passe the town unpunished, and his absence shall not excuse him; for he is by himself, the watchmen, or other sufficient deputy

deputy to be alwaies present.

None shall be suffered to straggle and beg within their own parishes, but are to be relieved by work or otherwise at home, and if in any parish there be found any persons that live out of service, or that live idly, and will not work for reasonable wages, or live to spend all they have at the Alehouse, those persons are to be brought by the high Constable and petty Constables to the Justices at their monthly meetings, there to be ordered and punished as shall be found fit.

None shall beg.

Generall privy searches shall be made twice at the least every year in every Hundred Town and Village by the appointment of the Justices for the finding out of all rogues,

Searches shall be made for rogues.

rogues, wandring and idle persons, and for the bringing of them before the said Justices at their said meetings to be punished and conveyed, or being incorrigible to be sent to the gaol, &c. And if the chief or petty Constable shall not appear as aforesaid, or shall not give an account upon oath in writing, and under the hand of the Minister of every parish, what rogues and vagabonds they have apprehended both in the same search, as also between every such assembly and meeting, and how many have been by them punished and otherwise sent unto the house of correction, they shall forfeit such fines as by the said Justices shall be thought fit, not exceeding 40. shillings. *St. 39. Elis. cap. 4.* And the Minister shall forfeit for

for every default five shillings.

Incorrigible rogues are such as shall appear either to be dangerous to the inferiour sort of people, or such as will not be reformed of their roguish kind of life.

Incorrigible rogues.

The Constable is to execute the said punishment of whipping; either himself, or by some other by his appointment.

Whipping of rogues.

Maiors, Sheriffs, Bayliffs, Constables, and other head-officers within every City, Borough and Town, within this Realm, ought, under pain of forty shillings for every default, once every month at the least to make search, as well within liberties as without, in all places where any unlawfull games shall be suspected to be kept or used,

Unlawfull games.

D and

and may arrest and imprison as well the keepers of such places as the haunters of the same, till they be found no more to keep or haunt such places. And if any such officer as aforesaid shall find or know that any artificer, craftsman, husbandman, apprentice, labourer, servant at husbandry, journeyman, or serving-man doth play at the Tables, Dice, Cards, Tennise, Bowles, Close, Coyting, Logatine, or any other unlawfull games invented or to be invented, out of Christmasse time, or out of their Masters house or presence in the Christmasse time, unlesse it be by licence of such masters as have a hundred pound by year or above, and then also that playing to be within the precincts of such masters house,

house, garden or orchard, such officer may commit every such offender to Ward, till he be bound by obligation to the Kings use, in such summe(as to the discretion of such officer shall be thought reasonable) that he shall not from thenceforth use such unlawfull games,

The Constables are likewise to have care for the maintenance of Archery, according to the statute, that every person not being lame, or not having other impediment, being within the age of threescore years, (except spirituall men & Judges) shall have and use a long bow and arrows upon pain of six shillings eight pence for every default. And that Butts be made and continued in every City and Town, and that the

Archerie,

inhabitants do exercise themselves with the long bow in shooting at the same, and elsewhere, upon pain for every three months so lacking Butts twenty shillings.

Disorders
in Alehouses.

All Constables, Churchwardens, Headboroughs, Tithing-men, Alecunners and Sidemen shall in their severall oaths incident to their offices be charged to present the offences done contrary to the statutes made for the repressing of drunkenness, and other disorders, in Innes and Alehouses.

Constables and other inferiour officers shall every of them once in every fifteen dayes search and enquire the defaults and disorders of Innes and Alehouses.

And by the Articles given in charge by the Justices of
peace

peace at their monthly meetings, the chief and petty Constables are to give an account upon oath in writing of the number of Alehouses, which are licenced, and which are not; and of those that be licenced, which of them keep ill orders in their houses, either by maintaining of play, receiving of Tinkers, Pedlers, vagabonds or other suspected persons, or by suffering of tipling drunkenness, &c. or by selling by unlawful measures, or measures unsealed, or lesse then one full ale-quart of their best ale or beere for a penny, and two of their small.

And of Innekeepers that use their Innes as Alehouses, by uttering their ale or beer out of doores, or by suffering of drunkenness, tipling,
D 3 play;

play, or other disorder.

Penalties
of the Con-
stables,

The Constable that shall not by warrant from the Justice levy the twenty shillings forfeited for keeping alehouse without licence, or for default of distresse by like warrant do not openly punish the offender by whipping him, shall be imprisoned untill he do the same, or pay the summe of forty shillings, or if he shall not by like warrant levy the summe of five shillings upon the person convict of drunkenness, or set the party in the stocks six houres, or shall not levy the summe of three shillings foure pence for unlawfull tipling, or set the party in the stocks foure houres; and of the Innekeepers and Alehousekeepers for their offence and permission of these disorders,

disorders the summe of ten shillings for each of them, or shall not levy the summe of twenty shillings for selling their beer or ale under the assize, shall in every of the said cases forfeit the summe of ten shillings.

All Constables, &c. are to be attendant, aiding and assisting to the Justices of the peace for the execution of their Commission of the peace, and of all such laws and statutes whereof they have power to hear and determine, and to make presentment at their generall quarter Sessions of the peace, and of all offences committed and done against any of them, and of all bloud-sheddings, affraies, outcries, rescues and other offences done and committed against the

Constables
shall attend
the quarter
Sessions.

Kings peace within their severall limits or power to make fine.

Shall present offences at the Assises.

The petty Constables of parishes, because their personall appearance at the generall Assises and gaol-delivery is not required, shall in convenient time before every Assise bring their presentments and answer of the Articles of the said Justices of Assise, fairly writ under their hands, to some Justice of peace within that limit, who shall take them sworn of the truth of the said presentments, and subscribe his name to testifie so much. And if any petty Constable be remisse herein, the chief Constable, who is to receive these presentments, and to certifie them with his own at the said Assises, shall do well

well to acquaint the Justices of that Division therewith before the said Assises, that such petty Constable may receive due punishment for his neglect, upon pain of like punishment himself.

The Constables, &c. ought also to shew themselves obedient to the precepts of the Justices of the peace, neither ought they to dispute whether their commandments be grounded upon sufficient authority or no; for if a Justice of peace which is a Judge of record shall direct a warrant beyond his authoritie to a Constable or other officer, yet such officer shall be held excused for executing the same, although the Justice of peace himself may be blamed for it. A warrant is sent by a Justice of peace to a Constable

Shall execute the precepts of Justices of peace.

Constable or other officer, such officer must serve it himself, and cannot by word or writing appoint another.

Serving of
warrants.

The Constable or other officer to whom such warrant is sent or delivered, ought with all convenient speed and secrecie to seek and find out the party, and to execute the same, requiring the party in the Kings name to go with him according to the warrant; if the party refuse, the Constable by virtue of his said warrant may arrest and carry him by force before the Justice, and may require aid to assist him; and if such party shall resist, the Constable may imprison him in the stocks till the said party be willing to go. If it be for surety of the peace or good behaviour, such officer before
he

he arrest the party, ought first to acquaint him with the matter, and withall to require and charge him in the Kings name to go with him before the Justice to find and put in sureties according to the warrant, which if he refuse to do, then ought such officer forthwith to arrest him (and if his warrant expresse so much) may convey him to the gaol without carrying him before the Justice: and if the party shall make any resistance or seek to escape, such officer may justifie the beating or hurting of him. And such officer ought at the next quarter Sessions of the peace to present and deliver his said warrant, and certifie his proceedings in this behalf.

A warrant is directed from
a Justice

a Justice of peace to bring one before him, such officer shall carry the party before that Justice: but if it be to bring one before himself or some other Justice, &c. then may such officer give liberty to the party to go to what Justice he liketh, howbeit it is in the power of the officer to carry his prisoner to what Justice he pleaseth. The officer ought to acquaint the complainant with the time when he carrieth the delinquent before the Justice, and is in no wise to send his warrant, but must be present himself; neither need such officer dance attendance after his prisoner untill he can find out sureties, but he may lawfully keep him untill he can get suretie.

The Constable upon a warrant for the peace or good
beha-

behaviour, or in any other case where the King is party, may by force of such warrant break open a mans house to arrest the offender: But note that the officer before he break open the house or doores must first signifie the cause of his coming, and desire that the doors may be opened to him.

Every man that shall be required ought to assist the officer in the execution of his warrants, and to pursue and arrest offenders against the peace.

A Constable hath a warrant to arrest *J. C.* and he arresteth *W. C.* who indeed he knoweth to be the offender, and he against whom in very truth the complaint was made (howsoever mistaken) yet the arrest is tortious, and the officer subject to an action of false imprisonment; for

for the officer ought to pursue the very letter of his warrant.

A Constable &c. hath a warrant to bring one before a Justice upon the complaint of another, and the parties do after agree the matter betwixt themselves, yet ought the Constable to bring the said parties before the Justice, for &c.

An officer having served a warrant upon one to go before a Justice, taketh his promise that he will come to him such a time to go before the Justice according to such warrant, and so letteth the party go, who faileth at the time appointed, it seemeth the officer cannot after arrest or take him by virtue of that warrant, for that this was done by the voluntary consent

sent of the officer, but if the party arrested had escaped of his own wrong, without the consent of the officer, the officer upon fresh suit may take him again and again, so often as he escapeth, although he were out of view or that he shall fly into another County.

If a warrant be directed to a Constable to arrest one that is indicted of felony, such officer may justifie the killing of such a partie, if it be so that he cannot otherwise possibly take him; the like may be done with a felon that is sent to the gaol, if he shall resist or fly.

If the party against whom any lawfull warrant is granted shall make resistance, or shall make an assault upon the officer, or shall fly, the officer after arrest may justifie the beating

The Duties of

beating or hurting of him, and may also imprison him in the stocks for the same; but if the party refuseth or flyeth before the arrest, the officer cannot justifie the beating of him.

Conveying
of person
to the
gaol.

The Constable having arrested any to be conveyed to the gaol, or having a Mittimus from the Justice for that purpose, must take heed he suffer not such party to escape, either willingly or negligently; for if the arrest were for felony then by a willing escape, the officer himself becometh a felon also: and of whatsoever other kind the offence be, if the officer do by his will or otherwise suffer the party to escape he shall be fined for it according to the quality of the offence, by the discretion of those

those that shall be Judges of it. And least any officer may flatter himself, in thinking he may escape with some easie fine, let him know that the Judges of his fault may set his fine equall with the value of his goods, if the qualitie of his default do so require.

The High Constables, petty Constables, Church-wardens and other the Overseers for the poore of every Hundred, Parish and Village, shall attend the Justices at their monethly meetings, and there inquiry shall be made, and information taken by the Justices, of the defaults of the said Officers, in the execution of the Laws and Statutes of this realm, &c. and what persons have offended against any of the said laws; and where neglect or default is

Constables
attendance
at the
monethly
meetings of
the Justices.

E found

found in any of the said officers in making their presentments, condigne punishment to be inflicted upon them by the Justices according to Law.

Which informations may be reduced into these or the like Articles following.

Articles.

Articles to be diligently inquired of and distinctly, particularly answered (upon oath) in writing by the chief Constables, petty Constables, Churchwardens and Overseers for the poore, at the said monthly meetings of the Justices.

I
Huy and
cry,
Watch and
ward.

IMprimis, you shall diligently inquire and certifie whether huy and cry have been made, and duly pursued,
ac-

according to the Statute, for the apprehending of felons and robbers; and whether watches by night and warding by day appointed in every town and village for apprehending of rogues and vagabonds, and for safetie and good order, be duly observed and kept, and by whose default the same hath been neglected.

You shall inquire and certifye who have been remisse and negligent in apprehending of such rogues and vagabonds, what Constables have been remisse in receiving, punishing and conveying them, and who by any wayes or means have hindred the execution of the Statutes for the punishing and conveying of them: And what persons since our last assembly have

E 2 harboured

2

Apprehension and punishing of rogues.

harboured or relieved any of them: and what vagabonds or rogues have you since pūished.

3
Labourers
and Ser-
vants.

You shall inquire and certifye, whether the Statute of labourers for retaining of servants and ordering of wages betwixt the servant and the master, be not deluded by private contracts, before they come to the Statutes, and what servants are put out of service, or have put themselves out of service, their terms being not expired; where this hath happened, and in whose default, and what is become of such servant or apprentice: and what unmarried persons of able bodies live out of service, that have not means otherwise to maintain themselves; or if they labour for their living who sets them on work,

work, and what persons live idly, or that will not work for reasonable wages, or live to spend all that they have at the Ale-house.

You shall inquire & certifie what Taverns, Inns, Ale-houses, or other victualling houses, are within your precinct, who keep the same, and how long have they so kept them, & by what authoritie, and w^{ch} are licenced and by whom, and which are not; and whether those that are licenced, be fit as wel in regard of themselves, as their dwelling, and whether they sell their beere and ale according to the assize, that is to say, lawful measures sealed and allowed, and not lesse then a full ale-quart of the best beere or ale for a penny, and of the small two full ale quarts for a penny.

4
Innes and
Alehouses.

what haunters of Taverns, Innes and Ale-houses are there within your liberties, and what are their names, &c. Which of those Innes entertain people to sit tipling and drinking as Ale-houses; who have been drunk or have sitten tipling in any one of them, since the last monthly meeting, and in what Tavern, Inne or Ale-house hath the same happened; and which of them hath kept ill orders, by maintaining of play, receiving of Tinkers, Pedlers, vagabonds or other suspected persons.

5
Bakers and
Brewers.

You shall inquire and certify whether your Bakers and Brewers do keep the assize according to the Statutes; Bakers after the now prises, *viz.* Wheat being forty shillings the quarter, the

the weight of the penny white loaf drawn from the fine cocket eight ounces foure penny weight, the weight of the penny white loaf drawn from the course cocket twelve ounces three quarters, the weight of the penny household loaf according to the course cocket sixteen ounces: And whether every Baker hath his own proper mark set upon his bread, and doth sell no more then thirteen penny loafs to the dozen. Whether common brewers do serve their beer and ale to any ale-house keepers, victuallers or tiplers, but at such prices as by the Justices of the peace shall be set down and appointed according to the Statute: And whether the same be well sodden, and brewed, and of

Forestal-
lers.
Ingrossers.
Regraters.

False
weights
and mea-
sures.

Millers.

6
Highwayes
Bridges,
&c.

wholesome grain, and with
wholesome hops, & whether
they sell any beer or ale to
any unlicenced alehousekeep-
ers or tiplers; what forestal-
lers, ingrossers, and regraters
of corn or other dead victuall
or fuell, what tradesmen or
other that sell any kind of
commodities by false and
unlawfull weights or mea-
sures, or things made in de-
ceit: what victuallers or
others are there which sell
their victuall at excessive
prices, or things unwhole-
some; and whether your
millers do take excessive toll
for grinding, or by heaped
measure, or use other false-
hood.

You shall inquire and cer-
tific what Bridges, Causeys,
and Highwayes are in decay
within your limits, and
through

through whose default the same hath happened, and whether your wayes are so repaired that they be sufficient for winter.

You shall present the names of all such persons as do not duly resort to divine service and sermon every Sunday according to the statutes, and certifie whether the twelve pence forfeited for absence be required and received, and duly imployed upon the poore, and of whom it hath been levied, and of whom neglected, and what profane swearers or cursers are in your parish.

7
Absence
from
Church.

Profane
swearers.

You shall inquire and certifie what stocks of money are provided in every parish for the setting the poore on work, and whether the same be sufficient to set all such on work

8
Stocks of
money to
set the
poore on
work.

The Duties of

work as are of able bodies, and want means to set themselves on work, and how and by what means are they set on work, and what are the names of all those that are so set on work, and what and how much work have each of them had or hath wrought since the last meeting, and what or how much do you give them for their work by the day or otherwise, and who have refused to work, or working have spoiled, impaired, or abused the same, and whether they be so provided for that they be not suffered to straggle and beg within their own parish or elsewhere; and whether your weekly or monthly taxation for the impotent poore be sufficient in every parish to relieve them, and what be the

Relieving
of the im-
potent.

the names of all those that have contribution since the last meeting, & what summe or summes of money hath been given to each of them, and what poore peoples children are fit to be bound out apprentices, and who are fit to take them, and what apprentices have been formerly put forth, and have not been received, and in whose default the same is, or being received have misused them, or have not sealed their indentures.

Apprentices.

You shall inquire and certifye what private gifts have been given in every parish for the relief of the poore or other charitable uses, and whether is the same continued and imployed according to the will of the donour; if not how long hath the same been

9
Private gifts.

been discontinued or misim-
ployed, and by whom; and
whether such gifts be any oc-
casion of lessening the rates
of the parish.

The first six of these arti-
cles (properly) are to be an-
swered unto by the Consta-
bles, the three latter by the
Churchwardens and Over-
seers for the poore.

Constables
rates.

The Constables of every
town, and the greater part of
the parishioners (upon notice
given) may assemble and
make rates, and may tax eve-
ry inhabitant by their lands
(or goods in some cases) for
all manner of town or coun-
treys-charges; and if the great-
er part of the parishioners
will not meet, then the Con-
stable alone, and so many of
the parish as will meet, may
make such rates: and if any
shall

shall refuse to pay the rates so made, and allowed by the Justices of that Division under their hands, the party refusing, by the Justices shall be bound over to the next generall Sessions of the peace, there to be ordered, and is not to be presented for his default to the said Sessions by the officers, before the said Justices of the peace have heard the parties allegations.

Constables rates (in country towns and villages) are usually raised by land, yet where the Statutes in particular cases give no speciall direction, it is good discretion to go according to the rule of taxations for the poore : All estates and conditions, as well Spirituall as Temporall, are by some thought to be lyable

How raised.

What estates and persons are liable to them.

to

All Eccle-
siasticall
persons are
included in
the gene-
rall words
of the sta-
tutes, per-
son or per-
sons.

to these taxations, but then
they distinguish them in this
manner : The Constables ^{43. Elis.}
rate (say they) consisteth of ^{cap. 3.}
sundry particulars, that is to ^{14. Elis.}
say, of quarterly payments ^{cap. 5.}
for the relief of lame souldi- ^{1. Jac.}
ers, marshalsies, and prisoners ^{cap. 25.}
of the gaol, the conveying of
cripples, wandering people,
and the like, all which are
acts of charitie, expences in
martiall affairs, musters, train-
ing and levying of souldiers,
and such like, to which all
persons whatsoever, are
chargeable by the law or the ^{9. Hen. 3.}
State without exemption ; ^{cap. 21.}
but if the Constables will ^{3. Ed. 1.}
insert into their rates (as some ^{cap. 1.}
usually have done) compo- ^{9. Ed. 2.}
sitions for purveyances and ^{cap. 11.}
carriages for his Majestie and ^{14. Ed. 3.}
his household, from which the ^{cap. 1.}
Clergy are specially by the ^{18. Ed. 3.}
^{cap. 4.}
^{1. Ric. 1.}
^{cap. 3.}

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Statutes exempt, I conceive they are not ratable in this respect.

If rates be made for his Majesties carriages, these officers (as I think) are not to put the same in their general account for town-charges; for then the poore and such as are not liable thereunto, and those that neither have lands nor means must bear a part and share therein, which seemeth not reasonable: besides by this course of hiring, his Majestie is oft times deceived, and the country much abused by the cart-takers: and that this charge may the more equally be born, such persons as have lands in occupation, may be proportioned to some certaintie, what number of acres shall be assigned for a carriage, and so

Rates for
carriages.

to

to take the same by course ;
and for post-horses, that none
be charged by rate, or of
those that have no horses, for
avoyding the like abuse.

Books to
enter rates,

And for this purpose these
Officers shall do well to keep
a book fairly writ, how every
person is charged, to the end
that no man be surcharged, or
out of course ; wherein also
these and all other Officers
of the town may write their
rates, which otherwise in
loose papers are subject to be
lost, torn or abused, which
books may be delivered from
Officer to Officer as they
shall succeed.

Lastly, for the help, as well
of the chief, as the petty
Constables, in the execution
of divers Statutes, which
are most usefull and ordina-
ry in the discharge and
practice

practice of their said office, and for avoyding of sundry penalties ordained for their neglect therein, I have collected these few following, and first of the chief Constables.

5. *Elif.*
6. 4.

High-Constables of Hundreds in all such Shires, where petty Sessions for servants and labourers (otherwise called Statute-Sessions) were used to be kept, may yet still hold their said Sessions, so that nothing be done in them repugnant to the said Statute.

High Constables Statute-Sessions.

The Constables of Hundreds and of Franchises ought to make presentment to the Justices of peace, and to all other Justices thereto assigned of the defaults of watches, and the defaults of the Kings high-ways not
F enlarged,

Defaults of watches and high-ways.

enlarged, so as no ditches, underwoods or bushes, be within two hundred foot on either side of the same, and also of such as lodge strangers in uplandish towns, for whom they will not answer.

Unlawfull
Arms.

Every chief Constable may arrest any person that shall go or ride armed unlawfully or offensively by night or by day, in affray or terrour of the Kings people, and may seise and take away such armes.

Stat. North-hampton. 2. Ed. 3. cap. 3. 7. Ric. 2. cap. 13.

Collecti-
ons for
souldiers,
and priso-
ners.

The chief Constable that hath received the moneys appointed for the relief of maimed Souldiers and Mariners, and for the prisoners of the Kings bench and Marshalsey, failing to pay the same at the next quarter Sessions following, shall forfeit for every default fortie shillings,

43. Elis. cap. 3.

2. Pl. M. cap. 5. cap. 18. cap.

lings, or in making such
14. Elis. quarterly payment of such
cap. 5. summes of money as are rai-
1. Jac. sed in every Parish for the re-
cap. 25. lief of the Prisoners in the
 common goal, and paid unto
 them by the Officers of such
 Towns, shall forfeit five
 pound for every default.

4. Ed. 4. Chief Constables of hun-
cap. 1. dreds may heare and deter-
 mine the complaints of
 workers to Clothiers, and
 of Clothiers against their
 workfolks, by examination
 of the parties, and may com-
 mit to the goal such as refuse
 to pay the said workfolks.

Clothiers
 and their
 workers.

2. & 3. By estreats indented from
Pb. & the Clerk of the peace, or by
Mar. Stewards of leets, the Con-
cap. 8. stables of the hundred, may
5. Elis. levy by distresse the for-
cap. 13. feitures for defects in repair-
18. Elis. ing of High wayes.
cap. 10.

Highwayes

Popish Re-
cusants.

The chief Constables of the Hundred in default of the Churchwardens and Constable of every parish shall once every year present the monethly absence from Church of all popish recusants within such parishes, and the names of their servants and children being above nine years old, &c. at the generall quarter Sessions upon pain to forfeit twenty shillings; and if by such presentment such recusant be indicted and convicted, not being for the same offence formerly presented, the presenter shall have forty shillings to be levied out of the recusants goods and estate by warrant under the hands and seals of most of the Justices there present.

Purveyers.

The name or mark of every

23.
6.ca

2. & 3. ry high Constable or petty
Ph. & Mar. Constable, &c. shall be sub-
cap. 6. scribed to the blanks expres-
 sed in the Kings Purveyer's
 Commission, in which shall
 be fairly written all such
 beeves, weathers, &c. with
 the prices of the same as shall
 be levied or purveyed, &c.
 and to whom any precept is
 directed, or shall be privy to
 the delivery. And such Pur-
 veyer, &c. shall make and
 deliver unto the said high
 Constable, &c. a docket or
 brief in writing subscribed
 with their names a particular
 of the things purveyed, which
 dockets or briefs the said
 Constables, &c. shall deliver
 over to the Justices at their
 generall Sessions, &c.

If any person shall without *Petty Con-*
23. H. lawfull bargain take or pur- *stables.*
6. cap. 4. vey any thing of any of the

Kings subjects to the use of any other then the King and his house, and notice and request thereof be made to the Constable of the place to be aiding and assisting to the party wronged, such officer ought under pain of twenty pound to arrest such taker, and carry him before some Justice of peace to be sent to prison there to remain untill he answer the law.

Purveyers
shall pay.

The Kings takers that make purveyance of any thing not exceeding forty shillings shall make ready payment in hand for the same, otherwise the owner may retain the thing so taken and may resist, and the Constable, &c. of the place being thereunto required ought to be aiding and assisting therein upon pain to yield to the party grieved the value

20.H.6.
cap. 8.

value of the thing taken and his double damage.

2. *Ed.* 3. And if the thing taken be
Ph. & above forty shillings then
Mar. dockets shall be delivered to
cap. 6. the chief Constable or petty
 Constables, by the purveyer
 under his hand, who shall de-
 liver them to the Justices at
 their next quarter Sessions.

5. *Ed.* 3. The Kings takers shall *Purveyers.*
cap. 1. make their purveyance by the
 26. *Ed.* 3 very value of the thing taken,
 6. 3. and by the view of the Con-
 stable, and by the apprise-
 ment under the oath of foure
 of the goodmen of the town
 where the taken shall be, who
 are to be appointed by the
 Const. & tallies or indentures
 ought to be made and sealed
 between the taker and the
 owner in the presence of the
 Constable and prifers, by w^{ch}
 satisfaction is to be made to
 the owner. F 4 Note

Commis-
sion for pur-
veyance.

Note that no Commission ^{28. Ed.}
for purveyance of victuall ^{1. c. 2.}
shall indure above six months;
and it shall be written in the
English tongue.

Cart-ta-
kers.

No Purveyer &c. of the ^{28. H.}
Kings shall take any horse or ^{6. c. 2.}
cart without agreement with
the owner, and by the deli-
very of the Constable of the
place where such takings
shall be.

Labourers
in harvest.

In the time of hay or ^{5. Elis.}
corn-harvest the Constable ^{cap. 4.}
of any Township upon re-
quest made, and for the a-
voiding of losse of corn, grain
and hay may cause all such
artificers and persons (as be
meet to labour in his discre-
tion) to serve by the day for
the mowing, reaping, sheer-
ing, getting or inning of corn
or hay, according to the skill
and quality of the person; and
if

if any shall refuse so to do, then may & ought such officer under the pain of forty shillings to imprison such refuser in the stocks by the space of two dayes and one night.

2. & 3.
Ph. &
Mar.
cap. 8.
29. Elis.
cap. 5.

The Constables & Churchwardens of every parish ought yearly upon the tuesday or wednesday in Easter week to call together a number of the parishioners, and to choose two honest men of their parish to be Surveyers of the work, for amendment of the high wayes within their parish, leading to any market town; and then ought also to appoint six dayes for the amendment of those wayes before Midsummer then next following, and ought also openly in the Church the next Sunday after Easter to give knowledge of

Surveyers
of high-
wayes.

of the same six daies, upon pain of fine making, to be assessed by the Steward of the Leet; or in default thereof by two Justices of peace in open Sessions, as in their discretion shall be thought meet.

**Tax for
lame souldiers
and
prisoners.**

In default of the Parishioners themselves, the Constable and Churchwardens of every Parish, or the more part of them may asseſſe within their Parish the tax imposed upon the same by the Justices, for the relief of maimed Souldiers and Mariners, and for the Prisoners of the Kings Bench and Marshalls, and may also levy the same upon any parishioner by distresse and sale of his goods &c. and shall pay the same over unto the High-Constable, in whose Division such parish shall be situate, ten daies before

43. *Elis.*
c. 3.

before every quarter Sessions, upon pain to forfeit for every default twenty shillings

14. *Elis.* The money imposed upon each Parish for the relief of Prisoners in the common goal, ought to be levied and paid by the Churchwardens, upon the pain of five pound: but the Constables do with us also pay the same.

Tax for
prisoners
in the
Gaol.

The Constables also of Malt. every Borough or Town may search and survey all such Malt as shall be made or put to sale there; and if they find any Barley-malt made at any time (the months of *June*, *July* and *August* onely excepted) but that the same shall have the space of three weeks at the least in the fat, floore, steeping and sufficient drying thereof, and in these three moneths, the

the space of seventeen dayes at the least, or if he find any person to put to sail any good malt mingled with malt not sufficiently made, or with malt made with mow-burnt or spyred barley, or that put to sail any malt not sufficiently well trodden, rubbed and fanned, whereby half a peck of dust or more may be fanned out of one quarter thereof, then may such Constable with the advice of one Justice of peace of that Shire, cause the same malt to be sold to such persons, and at such reasonable prices under the common price of the market as to his discretion shall seem fit.

Lent.

The Constables, &c. may yearly in time of Lent enter into the houses of victuallers, and finding there any beef, mutton,

*1. Jac.
cap. 29.*

mutton, veal or hogs flesh, except flesh to be killed three dayes before Easter, may seise the same as forfeit, and may give it to prisoners or other poore folk at his discretion.

1. *Fac.* The Constable, &c. that *Plague.*

cap. 3 1. shall wilfully make default in levying such money, as they shall be commanded to levy by the warrant of two Justices of the peace upon the Statute for the relief of any Town infected with the plague, shall forfeit for every such offence tenne shillings.

3. *Car.* The Constable refusing or *Unlicenced*
cap. 3. neglecting upon command of one Justice of peace, openly by himself or some other to whip an offender according to the Statute, for keeping Ale-house without licence, *Alchouse.*
shall

shall be imprisoned untill he do it, or pay forty shillings for his contempt.

Stoned
horse.

The Constables, &c. or ^{32. H. 8.} the three persons that shall ^{cap. 13.} be requested to be at the ^{8. Elis.} measuring of any stoned horse being above the age of two years, and going in any common Marsh or Fenne-ground within this Countie of Cambridge, or the Isle of Ely, &c. according to the Statute, that shall refuse to do the same, or do not truly measure such horses, shall forfeit for every such offence fortie shillings. And so shall that Constable within whose precincts and limits such Moores, Commons, Fennes, and Marshes, &c. be not yearly, at the feast of S. Michael the Archangle, or within fifteen dayes after effectually driven. The

3.1.
3.
sur
cas
B. 7

43. *Elif.*
cap. 7.

The Constable must whip or cause to be whipped such hedge-breakers, robbers of Orchards, cutters of corn or wood, &c. as for that purpose are committed unto him by any justice of peace, upon pain to be committed themselves to the common goal without bail untill it be done.

Hedge-breakers.

3. *Jac.*
cap. 4.

The Constables of Parishes and Villages, shall once a yeare present the monethly absence from Church of all Popish Recusants, &c. upon the like penaltie as is before declared of the chief Constable, and shall have the like reward, &c.

Popish Recusants.

5. *Ed. 4.*
3. *Acc*
sur le
case
B. 76.

The Ruler, Constable, or other Officer of any Town, may compell any common Inne-holder or Ale-house-keeper, to lodge such as travel.

Lodging of travellers.

The

Servants
departing.

The Constable, &c. under *5. Elis. cap. 4.*
his seal, and two honest
housholders shall make this
testimoniall, for a servant
retained in husbandry or in
any the Arts appointed by
the Statute of labourers,
whose time of retainour be-
ing expired, shall depart out
of the Town or Parish where
he last served, to serve in
another, as followeth.

Memorandum, *That A. B.*
late servant of C. D. in the
Countie of C. Husbandman,
or Taylor, &c. is licenced to
depart from his said master,
and is at liberty to serve else-
where, according the Statute
in that case made and provi-
ded, In witnesse whereof, &c.
Dated, the day, moneth,
yeare and place of the ma-
king thereof.

And

And if such person be accepted into any other service without shewing such testimoniall to the Constable, &c. of the place where he shall be accepted, he shall be imprisoned till he procure such a testimoniall; which if he do not within twelve daies next after the first day of his imprisonment, he shall be whipped as a vagabond.

The money recovery upon the hundred by the party Huy and cry.
 27. *el. if.* robbed, and assessed by the
cap. 13. Justices upon the statute of huy and cry, shall be levied by the Constables ratably, by distresse and sale of the goods and chattels of such as refuse to pay the same.

The Minister or Curate of the parish, and the Constable Popish Rec-
 35. *el. if.* &c. of the town to which any eulant sent.
cap. 1. Popish Recusant shall be sent

G by

The Duties of

by order of the statute, shall enter the same into a book to be kept in every parish for that purpose, and shall certifie the same at the next quarter-Sessions of the peace in that County.

Sundry other Statutes there are wherein the Constables are ministers, but because they have speciall direction by the precepts of the Justices of peace in the execution of them, I have willingly omitted them; yet must they know that if they be found cold, remisse, or negligent therein, or in any wise in the execution of their office, they are liable to be indicted therefore, ^{comis.} ^{pacis.} and to receive such punishment and censure as the Justices in open Sessions shall appoint.

If

7. *Fac.* If any action, bill, plaint,
cap. 5. information or suit upon the
21. Fac. case, trespasse, battery, or
cap. 12. false imprisonment shall be
 brought or commenced against
 any Justice of peace, Maior,
 Bayliff of City or Town
 corporate, Headborough,
 Portrecue, Constable, Ti-
 thing-man, Collectour of sub-
 fidy or fifteens, Church war-
 dens, & persons called sworn-
 men executing the office of
 Churchwarden or Overseer
 of the poore, and their depu-
 ties, or any of them, or any
 other which in their aid or
 assistance, or by their com-
 mandment shall do any thing
 touching his or their office,
 for or concerning any matter
 cause, or thing, by them or
 any of them done, by virtue
 or reason of their or any of
 their office or offices, that the

A remedy
 for Con-
 stables, &c.
 against
 contenti-
 ous suits
 prosecuted
 against
 them for
 the lawfull
 execution
 of their
 office.

saied action, bill, plaint or suit shall be laid within the Countie where the trespassse or fact shall be done or committed, and not elsewhere, and it shall be lawfull to, and for all and every person or persons aforesaid to plead thereunto the generall issue, that he or they are not guilty, and to give such speciall matter in evidence to the Jury which shall try the same, which speciall matter being pleaded, had been a good and sufficient matter in law to have discharged the saied defendant of the trespassse or other matter laid to his charge. And if upon the triall of any such action, &c. the plaintiff therein shall not prove to the Jury which shall try the same, that the trespassse, battery, imprisonment, or other fact, &c. was,

was, or were had, made, committed or done within the County wherein such action bill, &c. shall be laid, that then in every such case the Jury which shall try the same shall find the defendant in every such action, &c. not guilty, without having any regard or respect to any evidence given by the plaintiff therein, touching the trespass, &c. for which the same action &c. is or shall be brought. And if the verdict shall passe with the defendant, in any such action, &c. or the plaintiff therein become nonsuit, or suffer discontinuance thereof, that in every such case the Justices or Justice, &c. before whom the said matter shall be tried, shall allow unto the defendant his or their double costs, which

he or they shall have sustained by reason of such wrongful vexation in defence of the said action, &c. for which the said defendant shall have like remedy as in other cases, where costs by the Laws of this Realm are given to the defendants.

Directions



*Directions touching
the office and duty of the
Overseers for the
Poore.*



He Churchwardens of Overseers
chosen.
every parish, and two
or more substantiall
householders there shall be
nominated and appointed
yearly in Easter week, or
within one moneth after Ea-
ster, under the hands and
seals of two or more Justices
of the peace in the same
County, &c. to be Overseers
for the poore of the same pa-
rish; and they or the greater
part of them shall take order
from time to time by and
with the consent of the said
Justices for setting to work
of the children of all such

St. 43.
Elis.
cap. 2.

The Duties of the

Their of-
fice.

To set
poore to
work.

To raise
summes of
money.

Who are to
be taxed,
and for
what.

whose parents shall not by the said Churchwardens and Overseers, or the greater part of them, be thought able to keep and maintain their children; and also for setting to work of all such persons married or unmarried having no means to maintain them, or having no ordinary and dayly trade of life to get their living by: And also to raise weekly, or otherwise, by taxation of every inhabitant, Parson, Vicar, and other, and of every occupier of lands, houses, tithes impropriate, or appropriation of tithes, cole mines, or salable underwoods in the said parish, in such competent summe and summes of money as they shall think fit for the rayfing of a convenient stock of flax, hemp, wool, thread, yarn, and

Overseers for the poore.

101

and other necessary ware and stuff to set the poore on work. And also to raise competent summes of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them, being poore and not able to work: And also for the putting out of such children to be apprentices, to be gathered out of the same parish according to the ability of the said parish, and to do and execute all other things as well for the disposing of the said stock, as otherwise concerning the premises, as to them shall seem convenient.

Materialls
to set the
poore on
work.

To relieve
the impo-
tent.

To put out
apprenti-
ces, &c.

In which words you may perceive that the office and duty of these overseers for the poore chiefly consisteth in setting the poore on work,
in

The Duties of the

in relieving the impotent,
and in putting out poore children to be apprentices, and in making of rates for these purposes: and first touching Rates I will observe these three particulars,

The making of Rates.

The levying of Rates.

The disposing of Rates.

In the rayfing or making of rates these three things are most confiderable.

1. The persons who are to make the rates.

2. The circumstances observable in the making of them.

3. The persons and estates that are chargeable to them.

First the persons that are to make them, are the Churchwardens, and other the Overseers of the poore, or the greater part of them, with

with the consent of the Justices, &c. particularly appointed and assigned by the said statute to raise rates for the purpose aforesaid, and doubtlesse warrantably may do the same without the assistance and allowance of the other parishioners, yet for the avoiding of all exception these officers shall do well to give publick notice to all, or so many of the said parishioners as will assemble to be present at the making of them.

2. The circumstances to be observed in the making of rates, these rules may be considered.

First that they be competent and proportionable; competent in regard of the ability of the parish, and of the occasion for which they are raised; proportionable in regard

I

regard of the persons and estates that are to contribute unto them.

2 Experience hath found it the best, surest, and most quiet way of rating of land by the quantity or content of acres, and not by the yearly rent, value or quality thereof; to wit, arable to be rated with arable, pasture with pasture, meadow with meadow (in the same town) having respect to the quality of the two last, in rating them double with the arable, or more or lesse according to the condition thereof.

3 Dwelling-houses are not to be rated which serve onely to sleep in, and in Countrey towns and villages yield little or no rent at all, but serve onely for helps and adjument for the better maintenance

tenance and disposing of
lands belonging to them.

He that occupieth in his
own hands lands lying in se-
verall parishes is chargeable
in every parish proportiona-
bly for his land there.

4

The farmer shall be rated
for the land he occupieth,
and not the leasour or land-
lord.

5

A man shall not be rated
for his farm-rents; for that
the farmer or occupier of
the land is charged for the
same land, whether the rate
be made by land or stock.

6

By goods in most cases a
man may be rated as well as
by land, but seldome by both,
unlessse for the poore, for
which the land is to be taxed
in the first place equally and
indifferently, with an additi-
on for the visible ability of
the

7

the party according to good discretion, but the common custome is that he that hath both lands and goods is charged onely by the best of them.

8 In the same rate one man may be rated by his land and another by his goods.

9 Where a man is taxed by his goods, it seemeth reasonable that such goods be rated after the valuation of lands to be purchased, *ſc.* one hundred pounds in stock or goods after five or six pound a year in lands.

10 Where a man is charged by goods they must be such as the party charged is certainly known to have within that town at the time of the rate-making.

3 The third and last thing observable in the making of rates,

rates, are the persons and estates that are liable unto them.

43. *Elis.*
cap. 2.

All manner of persons as well spirituall as temporall, of what estate, quality, condition or degree they be of, are hereby chargeable, unlesse these officers, (as in good discretion they ought) spare the poore labourer, cottager, and hired that have no considerable personall estate.

All persons
and estate,
liable to
these rates.

All estates, lands and possessions whatsoever seem chargeable to these rates, which yield a clear and certain profit, † as well the not guildable as the guildable, yea although the same be not annuall, as † under-woods, &c. sheep-walks, mills, dove-houses, &c. are in like manner chargeable; but herein consideration is to be had of the casualties,

† N. Resol.
14.

† Old Resol.
19.

casualties, charges and dis-
profits issuing out of them.

Parsona-
ges how
chargea-
ble.

Parsonages or tithes are
charged by the statute to
contribute to these rates, and
where they have the full
tenth of the annuall profits
arising out of the parish, there
to pay the tenth; and so pro-
portionably as they receive
profit in that respect, paying
also for their glebe-land rata-
bly by the acre, as other men
pay for theirs.

Bringers in
of forrei-
ners.

If a parishioner, &c. shall
bring into the parish without
the consent of the parish a
stranger of another parish,
which is (or apparantly is
like to be) burdensome to
the parish, such person may
be taxed to the charge of the
rates for the poore there, not
onely having respect to his
ability or land he occupieth,
but

but according to the damage or danger he bringeth to the parish by his folly.

Secondly in the levying of rates these things may be observed. Levying of rates.

Dist.
Sac.

1. What goods properly by the law are to be distrained.

51. H. 3

28. Ed.

1. c. 12.

2. Where and how long a distresse may be kept and detained.

3. How and in what manner the same shall be appraised and sold.

No man shall be distrained by his beasts which till his land, nor by his sheep, neither a Tradesman by his tools wherewith he getteth his living, &c. so long as any other sufficient distresse may be had, except it be impounding of beasts which a man finds damage fesant, according to

What goods are distrainable.

H

the

the custome of the Realm.

Distresse
shall be
reasonable.

Distresses shall be reasonable according to the quantity of the debt or damage, and not grievous, and he that taketh unreasonable and excessive distresses shall be amerced. 51. H. 3.
cap. 1. 4.
52. H. 3.
c. 1. 2. 3.
28. Ed.
1. c. 12.

Where distress
shall be impounded.

No distress shall be driven out of the County where it was taken, nor out of the hundred, rape, wapentake, or lath, except it be to a pound overt within the same shire, being not above three miles distant from the place where it was taken: none shall impound in severall places goods distreined for any cause at one time, nor shall take above foure pence for the impounding of any one whole distress, nor shall distrein out of their fee, or in the Kings high-way or common 51. Hen.
3. c. 52.
Hen. 3.
cap. 4.
3. Ed. 1.
cap. 16.
9. Ed. 2.
cap. 9.
1. & 2.
Phil. &
Mar.
cap. 12.

mon street, but the Kings officers onely having speciall authority so to do; nor in the fees of the Church, nor shall take wrongfull distresse, or without authority.

Distr.

Scac.

52.H.3.

The owner without disturbance or paying any thing therefore, may give his beasts meat of his own, while they remain in a pound overt.

If a distresse be taken of any household-stuff or the like, that may take hurt in a pound overt, these officers may keep and detain the same in their own hands till satisfaction made.

Distr.

Scac.

52.H.3.

By the ancient law, no cattel nor other distresse taken for the Kings debt, nor for any other thing was to be sold or given within fifteen dayes after the taking thereof. But this Statute of the

How long
distresse
may be
kept.

43. of *Elis.* limiteth no time for detaining the distresse before sale, as in some other statutes you may observe it doth, and must follow the direction thereof: these officers upon refusall of the owner to redeem it may instantly sell the same. 43. *Elis.*
cap. 2.

Distresse
how app-
prised and
sold.

A distresse thus taken and detained, these officers (upon the owners refusall, or neglect within some reasonable time to redeem it) shall procure two or more honest substantiall and indifferent persons to apprise and value the same, and then upon refusall of the owner to redeem it, may make present sale thereof according to the said apprisement, rendring to the owner the overplus that shall remain upon the said sale.

The principall work of
these

these officers is the well ordering and disposing of these rates, which especially tendeth to these ends.

1. To set the poore on work.

2. To relieve the impotent.

3. To put forth apprentices.

In the setting the poore on work consideration may be had,

1. Who are to be set on work.

2. By whom they are to be set on work.

3. How and in what manner they are to be employed.

St. 43. First and principally it regardeth the training up of children by a timely education and imployment of them, and to acquaint them with labour, thereby to prepare

Who shall be set on work.

and make them fit to be apprentices to husbandry and trades, whereby they shall not onely be able to maintain themselves but become profitable members of the common-wealth. In like manner all other persons as well men as women, married or unmarried, young or old, that want means and have no ordinary and dayly trade of life to get their living by, are by this statute to be set on work, and such as have trades if they want means to set up, are to be helped by these officers out of the town stock, whose office and duty it is, not onely to set all those on work which are willing and seek unto them for work, but those especially that live idly and shun labour.

The Churchwardens and
Over-

43. *Elif.* Overseers for the poore, or Who shall
cap. 2. the greater part of them are set the
3. *Cha.* not onely by this Statute 44. poore on
cap. 4. *Elif.* specially inabled to set work,
the poore on work, but are
also further inabled and au-
thorised by that of King
Charles, (with the consent
of the Justices of peace of the
same Division) to set up, use
and occupy any trade, my-
stery or occupation for the
setting on work and better
relief of the poore of the
same parish, town or place;
and it were much to be wish-
ed that this Statute were put
in execution with us, as it is
in some parts of this king-
dome, whereby the common-
wealth may receive profit,
the poore relief, the severall
town-ships ease, and God in
all may have the glory

This statute ordaineth, that

H 4 . there

Wherewith
the poore
are to be
set on
work.

there be a convenient stock <sup>43. *Elis.*
cap. 2.3</sup> of flax, hemp, wool, thread, yarn, &c. provided in every parish to set the poore on work: but these officers are not precisely tyed to the very letter concerning the materials therein mentioned, wherewith the poore are to be set on work, as may be observed by these words, and other necessary ware and stuffe; for all countreys do not afford and produce one & the same things, neither are all persons apt and fit for the same work, & therefore (without doubt) the statute herein relyeth much upon the discretion of these officers, together with the direction of the Justices of the peace.

The women and children may be imployed in spinning and carding of woollen and
linen,

linen, in knitting &c. gathering of stones to mend the high-ways, and the like. The men and those of able bodies in beating of hemp, working of yarn, or such like. And in Countreys where these commodities are not to be had, publick works may be devised by these officers for the good of their towns, and the common-wealth; as repairing of High-ways, Cawties, Bridges, Banks, drayning of fennes, moorish grounds, casting up or scouring of ditches, raising of banks, and the like, all which are profitable and commendable works, and are agreeable to the statute, and specially commanded and commended by his Majestie.

And here by the way I hold it not unfit to remove
this

Losse of
the town-
stock a
common
objection.

this cōmon objection, which seemeth much to hinder and discourage these officers from a willing and chearfull proceeding in this course, namely, the usuall losse and decay (as is pretended) of the town-stocks. To this it may be answered, that whatsoever the losse is, it is farre short of the benefit, that both that particular town and the whole County receiveth by their employment; besides if these officers will be faithfull and diligent to buy at the best hand such commodities as be good, and weigh them in and out, and look that the work be well and orderly done, there will be the lesse losse. And if they find the said stuff diminished beyond the ordinary losse, or be otherwise misused or evily wrought, they

they may cast it upon the hands of such as have so lessened or abused it, and the value thereof may be levied upon their goods, where they be able ; or not having wherewithall to answer they may be punished or sent to the house of correction, for an example to others. And if these officers fail to do as is specified, they are worthy to bear the whole losse themselves. Nor is it sufficient that these officers make return of the town stock once in the year onely, (as the common course is) but they ought to make return thereof once in every quarter of the year. And whereas it is sometimes objected, that there are no poore to set on work, which for the most part is otherwise yet being so the stock ought
not

The Duties of the

not to lie idly, but may be employed in buying of bread-corn, fuell, or such like at the best hand for the benefit of the poore.

The second generall work of these officers in the disposing of rates, is to relieve the impotent.

Impotent
poore to be
relieved.

And herein consideration may be had of three sorts of poore, and how every of them shall be relieved.

Three sorts
of impo-
tent poore.

1. Impotent poore by infirmitie. Fatherlesse children educated; Aged, blind, lame, diseased persons relieved and harboured.

2. Impotent poore by casualty. Wounded souldiers, decayed householders, visited and sick persons relieved.

3. Impotent poore by unthriftnesse. Riotous spenders, vagabond loyterers, idle strumpets

strumpets sparingly relieved.

But these last sort being of able bodies are to be sent to the house of correction there to be set on work, and duly punished.

His Majesty hath commanded that the weekly taxations for the relief of the poore and other purposes, mentioned in the Statute of

Taxations
raised in
time of
scarcity.

*Car. Re.
Direct.
5.*

43. *Elis.* be in times of scarcity raised to higher rates in every parish then in times before were used, and contributions had from other parishes to help the weaker parishes; especially from those places where depopulations have been some good contributions to come for help of other parishes. And where any money or stock hath or shall be given to the relief of the poore of any parish, such gift

Relief
from other
parishes.

Private
gifts not to
lessen pub-
lick rates.

to

The Duties of the

to be no occasion of lessening the rates of the parish.

Apprenti-
ces.

The last, but not the least, generall dutie required by this Statute of these Officers, is the putting out of poore children to be apprentices, wherein may be observed these particulars.

1. Who shall be put forth apprentice.

2. When and how long they shall be placed out apprentice.

3. By whom, and to whom, they shall be put forth apprentice.

What chil-
dren shall
be put
forth ap-
prentices.

First, it is not meant by this Statute, that the children of those onely that receive collection (as some have imagined) shall be put forth apprentices, or such as are destitute of parents or friends, but likewise the children of
all

all those that are poore and overburdened with children; and those whose labours are not sufficient to maintain them, or have not means to support their charge, as well in sicknesse as in health : but as the Statute hath it, the children of all such, whose parents shall not by the Officers or the greater part of them, be thought able to keep and maintain their children.

Secondly, at what age children of both sexes shall be put forth apprentice, this Statute giveth no speciall direction, but leaveth it wholly to the discretion of the Officers and Justices ; but so as none shall be put apprentice before they be able to do some service, nor after they are of able bodies, and
can

At what
age they
may be put
forth.

can do good service for their
 parents, or may have compe- *5. Elis.*
 tent wages from others to *cap. 4.*
 maintain themselves : and *43. Elis.*
 this seemeth to be betwixt *cap. 4.*
 the age of tenne and sixteen ; *39. Elis.*
 but yet by consent, or in some *cap. 12.*
 speciall cases, they may be *1. Fac.*
 put forth sooner or later. See *cap. 6.*
 for this the Statutes ; *43. Elis.*
5. Elis. 39. Elis. 1. Fac.
7. Fac.

How long
 they shall
 continue.

A man child shall be bound *43. Elis.*
 apprentice untill he come to *cap. 2.*
 the age of foure and twentie
 years ; a woman child, untill
 she come to the age of one
 and twentie years , or ma-
 riage.

And none are compella- *5. Elis.*
 ble to be bound apprentices, *cap. 4.*
 that are one and twentie
 years old or above.

Thirdly, the Churchwar-
 dens and Overseers for the
 poore,

poore, or the greater part of them, are not onely specially inabled by this statute to raise competent summes of money for the putting out of apprentices, but may also bind any such children as aforesaid to be apprentices, where they shall see convenient.

Who shall
put forth
apprentices

43. *Elis.*
cap. 2. By which severall branches of that Statute, there seemeth to be a twofold way of putting forth of apprentices; the one by raising summes of money for the placing of them with men of trades, or in husbandry, as these officers and they can agree; but whether they are compellable to take them without satisfaction given, seemeth doubtfull; but the children (without question) may be enforced: and whosoever shall refuse to contribute to a rate made for

Two
wayes of
putting out
of appren-
tices.

I

this

this purpose, these Officers, by warrant from the Justices, &c. may levie the same by distresse and sale of the goods of the party so refusing.

The other way of putting forth apprentices (and warranted both by command and practice) is by putting them out without money to men of good abilitie, using Husbandry or the like, who are thought compellable by the Statute to take them, and for refusall may be bound to the Sessions or Assises, there to be indicted or imprisoned for their contempt. If the Parents shall refuse to suffer their children to be bound out apprentice, or shall intice them away being bound, they may be sent to the house of Correction, and so may the children refusing.

I have known when the Justices have also injoynd the masters to pay summes of money to their apprentices at the end of their term, and have inserted the same as a covenant in their indentures ; but whether this may be done without consent or no I cannot determine ; and it is to be done upon speciall consideration.

x. Ref.
3, 4.

Every person , as well Clergy-men as others, who by their calling and profession, or manner of living entertaineth and must have use of other servants of the like qualitie, must entertain such an apprentice ; wherein discretion must be the guide, upon due consideration of circumstance.

Who shall
take ap-
prentices.

And doubtlesse every person of wealth and abilitie,

Who shall
contribute.

I 2 although

although he have no use of such an apprentice, must contribute to the charge of putting forth such apprentices, as to other charges for the poore, or may be compelled to give a summe of money to help a weaker man in estate that shall take such apprentice.

Considerations in putting out of apprentice.

In the putting forth of these apprentices, there must be speciall regard had to these circumstances : The Master, the Child, the Facultie, the Parents.

Master.

I . The Master, as well for his abilitie, as honestie ; for otherwise by hard usage, they may provoke their apprentice to runne away.

Trade.

Secondly, his trade and imployment, least the apprentice waste and consume his time without learning any

any thing and so be made worse then at the first.

3. The Children, that they Children.
be put out while they be young and tractable, and before they be corrupted with vice and idlenesse, for then they will hardly keep their service, or be held to labour.

4. The Parents, to take away Parents.
such Children from them as are burdensome, or brought up loosely and idly.

43. *Elis.*
cap. 2. These Officers, or such of them as shall not be let by sicknesse, or other just excuse (to be allowed by two Justices of peace) shall meet together, at the least once every moneth in the Church of the same parish, upon the Sunday in the afternoon, after divine service, there to consider of some good course to be taken, and some meet order to

be set down in the premises,
and shall within foure dayes
after the end of their year,
and after other Overseers no-
minated, make and yield up
to two such Justices a true
and perfect account in wri-
ting, subscribed under their
hands, of all summes of mo-
ney by them received, or ra-
ted and sessed and not recei-
ved, and also of such stock as
shall be in their hands or in
the hands of the poore to
work, and of all other things
concerning their said office.
And such summe or summes
of money as shall be in their
hands, they shall pay & deliver
over to the Churchwardens
and Overseers newly nomina-
ted and appointed, upon pain
that every one of them ab-
senting themselves without
lawfull cause, as aforesaid,
from

from such monethly meeting for the purpose aforesaid, or being otherwise negligent in their office, or in the execution of the orders aforesaid, Forfeiture. being made by and with the consent of the said Justices of peace, or any two of them, to forfeit for every such default of absence or negligence twenty shillings.

These officers at the end of their year shall yield an account unto the Justices,

1. Of all summes of money by them recieved, or rated and not received.

2. Of all such stock of ware and stuff, as they or any of the poore have in their hands to work, and how oft they have returned the same.

3. Whether they have assessed the inhabitants and occupiers of lands, &c. in their

I 4 parish,

The Duties of the

parish, to wit, all such as are of abilitie, and with indifferencie.

4. Whether they have endeavoured to levy and gather such assessments.

5. Whether they have distributed the same with indifferency and without partiality.

6. What poore they have set on work, and in what manner, and whom they have relieved by contribution.

7. What apprentices they have put out according to the Statute, and whether all those that have been put forth do remain and abide with their masters, if not, in whose default the same is.

8. Whether they have suffered their poore to wander and beg, either within their own parish or elsewhere.

9. Whether they have moneth-

monethly met together to consider of these things according to the Statute.

10. Whether they have duly executed the precepts of the Justices, and levied the severall forfeitures appointed by the Statute, &c.

And if they be found remisse and negligent in any of the premises, &c. they shall forfeit twenty shillings for every default.

And if the Churchwardens and other the Overseers of the poore, or any of them, shall refuse to make and yield up a true and perfect account to the said Justices, the said Justices may commit them to the common gaol untill they shall willingly do the same.

Refuse to
account.

Or having accounted, shall refuse or neglect to pay the same

Refuse to
pay.

same, the said Justices by their warrant may cause the same to be levyed upon their goods by distresse and sale thereof; and in defect of such distresse may commit him or them to the common gaol, there to remain without bail or mainprise untill payment be made of the said summe, arrerages and stock, &c.

Bulld houses and place inmates.

These officers or the greater part of them by leave of the Lord or Lords of the Mannor, whereof any wast or common within their parish is or shall be parcell, and upon agreement before with him or them made in writing under the hand and seal of the said Lord or Lords, or otherwise according to an order to be set down by the Justices of the peace of the said County at their generall quarter-

43. *elif.*
cap. 2.

quarter-sessions, by like leave and agreement of the said Lord or Lords in writing under his or their hands and seals may erect, build, and set up in fit and convenient places of habitation, in such waft and common (at the generall charge of the Parish, or otherwise of the Hundred or County to be taxed, rated and gathered as aforefaid) convenient houses of dwelling for the said impotent poore, and also to place Inmates, or more families then one in one house or cottage, which cottage and place for Inmates shall not at any time after be used or imployed to or for any other habitation but onely for the impotent and poore of the same parish, that shall be placed from time to time by the Church-wardens

wardens and Overseers of the poore of the same parish, or the most part of them upon the pains and forfeitures contained in the statute made in the one and thirtieth yeare of Queen *Elisabeth*.

Office of
Church-
wardens by
the com-
mon law.

They may
not waſt
the Church
goods.

CHurchwardens of parish-
es be taken (in favour of
the Church) to be for some
purposes a manner of corpora-
tion at the common Law,
that is to say, persons inabled
by that name to take movea-
ble goods or chattels of the
Church, and to sue and be su-
ed at the law concerning such
goods, for the use and profit
of their parish, and therefore
they cannot give away, re-
lease or waſt the goods of
the Church, but are liable to
be removed & to be brought
to an account for the same:
for

for as touching any estate in lands, or the profit of any lands, Churchwardens have not to meddle at all; inso-much that if the walls, windows, or doores of the Church be broken, or the trees in the Church-yard be cut down, or the grasse therof be eaten up, then the Parson or Vicar and not the Churchwardens shall have the action for it, because Churchwardens are not by law allowed to be a corporation for any other thing then for moveable goods onely.

They have
not to do
with lands.

Lastly, some statutes there are that do concern them: as namely, of the 1. of *Elis. c. 2.* & the 3. of *K. Ja. c. 4.* for absence from Church, and the levying of the 12. pence forfeited by distresse and sale, to the use of the poore of the parish.

Repair to
the Church.

Of

High-
wayes.

Of the 2. and 3. of *Phil.* & *Mar.* c.8. and the 5. of *Elif.* c.13. for the chusing of Surveyers of the High-wayes, on pain of twenty shillings : See more hereof in the office of Surveyers.

Flesh in
Lent.

Of the 5. of *Elif.* c.5. for eating flesh in lent, and levying the third part of the forfeitures after conviction, and to take notice of licence granted by the Minister to eat flesh.

Overseers
for the
poore.

Of the 43. of *Elif.* c. 2. of being Overseers for the poore See the office of Overseers for the poore.

Money for
prisoners
and souldiers.

The 43. of *Elif.* c. 3. for the raising and paying of money for the relief of lame souldiers, and prisoners of the Marshalsies and gaol of the County, and the penalty of twenty shillings for their default. The

3. Car.
cap. 3.

The 1. *Fac.* c. 9. &c. of the forfeiture of forty shillings for omitting their duty in levying the penalties of Inne-keepers and Alehouse-keepers suffering tipling or other disorder, or selling ale or beere under the assise, &c. or neglecting by twenty dayes to certifie the default of distresse in offenders against this Act.

Tipling in
Alehouses,
&c.

The 5. of *Elis.* c. 4. touching the testimoniall of a servant.

Testimoni,
all of a
servant.

Of the 35. of *Elis.* c. 1. of giving notice to forbear to receive or keep any obstinately refusing to come to Church.

Refusers to
come to
Church.

Of the 3. of King *Jac.* 4. of presenting the monethly absence from Church of Popish Recusants, their penalty and reward.

Popish Re-
cusants.

Of

Destruction
of game.

The 23. *Elis.* c. 10. and 1.
Jac. c. 17. of levying the for-
feitures to the use of the
poore, for destroying of the
game of Pheasants, Par-
tridge, &c.

Prisoners.

The 3. of K. *Jam.* c. 10. of
raising money for conveying
prisoners to the gaol.

The



The Office and Duty of Surveyers for the a- mending of High- wayes.



He Constables and Surveyers
Churchwardens of e- shall be
very parish shall year- chosen.
ly upon the Tuesday or Wed-
nesday in Easter week call
together a number of the pa-
rishioners, and then shall
chuse two honest persons of
the parish to be Surveyers
for one year of the works for
the amendment of the high-
wayes in their parish leading
to any market town; and shall
then also name and appoint
six dayes for the amending of
the said wayes, before the
feast of Saint *John Baptist*
then next following; and
K shall

2. & 3.
Phil. &
Mar.
cap. 8.
4. Elis.
cap. 13.
29. Elis.
cap. 5.

Six dayes
shall be ap-
pointed.

Penalty for
omitting it

Forfeiture
for not ex-
ecuting.

Their of-
fice.

shall openly in the Church the next Sunday after Easter give knowledge of the same six dayes, and upon the said dayes the parishioners shall endeavour themselves to the amendment of the said wayes upon pain of such reasonable fines and amercements as shall be thought meet by the Steward of the Leet, or in his default by the Justices at their quarter Sessions.

They shall take upon them the execution of their said office upon pain of every of them making default to forfeit twenty shillings.

And the said persons so named have authority hereby to order and direct the persons and carriages that shall be appointed for these works by their discretion.

Every person for every
plow-

plow-land in tillage or pasture that he or she shall occupy in the same parish, and every other person keeping there a draught or plow shall find and send at every day and place to be appointed for the amending of the wayes in that parish one wain or cart furnished after the custome of the Countrey, with oxen, horses or other cattel, and all other necessities meet to carry things convenient for that purpose, and also two able men with the same, upon pain of every draught making default ten shillings.

Parishioners how charged.

And every other householder, cottager, or labourer of that parish (having no plow or draught) able to labour, and being no hired servant by the yeare, shall by

K 2 them-

The Office and Dutie of

themselves or one sufficient labourer for every of them, upon every of the said six dayes, work and travel in the amendment of the said High-ways, upon pain of every person making default to forfeit for every day twelve pence.

Charge of
persons
taxed in
the subsidy
at five
pound in
goods.

Every person (except such as dwell in the City of London) that shall be assessed to the payment of any subsidie to his Majesty to five pound goods, or fourty shillings in lands or above, during the time he shall stand so assessed and not altered, and being none of the parties chargeable for the amendment of high-ways by any former law, but as a cottager, shall find two able men yearly to labour in the high-ways at such dayes and time as by the

18. *Elis.*
cap. 10.

2.
Ph.
Ma
cap.
18.
cap.

the severall statutes are appointed.

Every person that shall occupie a plow-land in tillage or pasture lying in severall parishes shall be chargeable to the making and mending of the High-ways within the parish onely where he dwelleth.

A plow-land in severall Parishes.

And every person occupying severall plow-lands in severall parishes shall be charged to find one cart, &c. furnished in each town or parish where the said plow-land doth lye.

Severall plow-lands in severall Parishes.

2. & 3.
Phil. &
Mar.
cap. 8.
18. Elis.
cap. 10.

Every person & carriage abovesaid shall have and bring with the such shovels, spades, picks, mattocks, and other tools and instruments as are fit and necessarie for the said work, and shall perform, do, and keep their work, as they

Instruments to work.

What
houres they
shall work.

shall be appointed by the said <sup>29. Eliz.
cap. 5.</sup> supervisors, or one of them, eight houres of every of the said six dayes, unlesse they shall be otherwise licenced by the said supervisors or by one of them.

Two able
men in
stead of
carriages.

If the carriages of the parish or any of them shall not be thought needfull by the supervisors to be occupied upon any of the said dayes, then every person that should have sent any such carriage shall send to the said work for every carriage so spared two able men to labour for that day, upon pain to loose for every man not so sent twelve pence.

Every supervisor, &c. for the amendment of the said high-wayes according to the <sup>5. Eliz.
cap. 13.</sup> Statute within the parish where he is supervisor may take

take and carry away so much of the rubbish or smallest broken stones of any quarry lying within the parish, where they shall be supervisors, without licence or impeachment of the owner, as by their discretion shall be deemed necessary for the amendment of the said ways : And for default of such quarry or rubbish, every such supervisor for the use aforesaid, in the severall grounds of any person within the parish and limits where they shall be supervisors, & nigh adjoyning to the high-way to be repaired, and wherein gravel, sand or cinder, is likely to be found, may dig, or cause to be digged for gravel, sand or cinder, and likewise to gather stones, lying in any ground or lands within the parish and

Rubbish in
quarries

Dig gravel
sand or
cinders.
Gather
stones.

meet to be used to such purpose, and to take and carry away so much thereof as by the discretion of the supervisors shall be thought necessary to be imployed in the amendment of the said wayes

Not dig
in quar-
ries, &c.

But it is not lawfull for them to cause any rubbish to be digged out of any quarry, but onely shall extend to such rubbish as shall be found there ready digged, &c. nor to dig or cause to be digged any gravel, sand or cinder, in the house, garden, orchard, or meddow of any person; nor above one only pit to be digged for gravel in any severall and inclosed ground, and the same not to be in breadth or length above ten yards over at the most.

5. *Elif.*
cap. 13.

May dig
in severall
grounds.

Fill up the
pit,

And the supervisors, which shall cause such pit to be digged

ged for gravel, sand or cinders shall within one moneth next after such digging or pit made; cause the same to be filled and stopt up with earth, at the cost and charges of the parishioners, upon pain to forfeit to the owner of the soil, wherein such pit is made, 5 marks to be recovered by action of debt.

5. *Elis.* It is lawfull for every such
cap. 13. supervisor in the parish where he is supervisour, to turn any water-course or spring of water, being in any high-way and offensive to the same, into any ditch of the severall ground or soil of any person next adjoyning to the said wayes, in such māner as in the discretion of the said supervisors shall be thought meet.

Turn a
water
course.

18. *Elis.* The hayes, fences, ditches
cap. 10. and hedges, next adjoyning on either side, to any high or common

common

Ditches to
be scoured,
and hedges
and Trees
kept low.

common-faring way, shall
from time to time be diked,
scoured, repaired and kept
low, and all trees and bushes ^{18. Eliz.}
growing in the high-ways ^{cap. 10.}
cut down by the owner of
the ground or soil, which
shall be inclosed with the
said hayes, fences, ditches or
hedges, whereby the said
wayes may be open, and the
people have more ready and
easie passage in the same, upon
pain to forfeit for every de-
fault ten shillings.

High-
wayes
inlarged.

And by the Statute of ^{13. Ed.}
Winchester it was enacted, ^{cap. 1.}
that the high-ways leading
from one market town to
another be enlarged whereas
bushes, woods or ditches be,
so that there be neither ditch,
nor bush, whereby a man may
lurk to do hurt, within two
hundred foot on each side of
the

the high-way. If by default of the Lord that will not avoid the ditch, underwood or bushes in the manner aforesaid, any robbery be done therein, the Lord shall be answerable for the felony; and if murder be done, the Lord shall make a fine at the Kings pleasure. If the Lord be not able to fell the underwoods the Countie shall aid him therein.

15. *Elif.*
cap. 10. Every person that shall occupy any lands adjoyning to any such high-way or common faring-way, where any ditching or scouring should or ought to be as aforesaid, shall from time to time as need shall require ditch and scoure his ground so adjoyning, whereby the water conveyed from the said high-ways, and over the ground
next

Ditching
and scour-
ing.

next adjoyning may have passage over the said ground so next adjoyning to that ground, upon pain of forfeiture for every time so offending, for every rod not so ditched and scoured, twelve pence.

No soil to
be cast in
the high-
wayes.

No person having any ground by lease or otherwise adjoyning to any high-way leading to any market town, shall cast or scour any ditch, and lay the soil thereof in the high-way, and suffer it to lie by the space of six moneths to the annoyance of the said high-way, upon pain to forfeit for every load of soil so cast into the high-way twelve pence. And where any soil hath been cast into the high-way, that there is a bank between the said high-way and the ditch, the surveyers
and

18. *Elif.* and workmen may make
cap. 10. sluces or other devices, by
their discretions, to convey
the water out of the said way
into the ditch.

5. *Elif.* Every surveyer as afore-
cap. 13. said for the time being,
within one moneth next any
default or offence commit-
ted or done by any person
contrary to the provision and
true meaning of the Statutes,
2. & 3. *Ph.* & *Mar.* & 5.
Elif. shall present every such
default or offence to the next
Justice of peace, upon pain to
forfeit for every such offence
in such sort not by them
presented fourtie shillings.

Supervi-
sours to
present.

5. *Elif.* And every Justice of peace
cap. 13. not certifying such default
presented unto him at the
next generall Sessions, &c.
shall forfeit five pound. And
every Justice of peace upon
his

Justices to
certific.

Justices
may pre-
sent.

his own proper knowledge, in the open generall Sessions, may make presentment of any high-way not well and sufficiently repaired, or of any other default or offence committed or done as aforesaid, contrary to the intent of the Statute.

Who may
heare and
determine.

And the Justices of every Countie, where the said defaults or offences shall be committed, have authoritie to inquire thereof, within the limits of their commission at every their said quarter Sessions, and to asseffe such fines for the same, as they or two of them, whereof one to be of the quorum, shall think meet.

2. *Ch.* 3.
Ph. *Ch.*
Mar.
cap. 8.

5. *Elis.*
cap. 13.

Justices of
Assise.
Justices
of peace.

Justices of Assise, and of oyer and terminer, Justices of peace in their Sessions, and Stewards of Leets and Lawdayes,

18. *Elis.*
cap. 10.

18.
cap.
5. *El.*
6. 13

dayes , in their Leets and Law-dayes, shall heare and determine all offences concerning this Statute.

Stewards of Leets, &c. and in their default the Justices of peace of every place and countie, in their quarter Sessions may enquire against every point and article of this Statute, and may asseſſe ſuch reaſonable fines and amer- cements for the ſame as ſhall be by them thought meet. And the ſaid Steward or Clerk of the peace reſpectively ſhall make eſtreats indented of all the fines and forfeitures, &c. and ſhall deliver one part thereof ſealed and ſigned to the Bayliſſ or High-ſtable of the hundred, &c. within ſix weeks after Michaelmaſſe, whereby they (or the Surveyers of the high-ways, they

Steward of
Leets.

Eſtreats of
the fines.

18. *Eliſ.*

cap. 10.

5. *Eliſ.*

c. 13.

Refusing
to pay.

they being directed to them) may levie the same by distresse and sale, &c. If no sufficient distresse can be found, or if the said offender shall obstinately refuse to pay the said amercement, or do not pay the same within twentie dayes after a lawfull demand thereof by the said officers, then that person to forfeit double the summe that he should before have paid.

2. & 3.
Phil &
Mar.
cap. 8.
5. Elis.
cap. 13.

Account
and pay.

Every Bailiff, head-Constable, &c. shall once every yeare, betwixt the first of March and the last of April, make a true account and payment of all such summes of money (to the Constables and Churchwardens of every parish wherein the offence was committed, or to two of them) as is collected upon the

5. Elis.
cap. 13.

the said estreats, upon pain to forfeit for every offence forty shillings.

The Churchwardens, &c. may call the Bailiffs & High-Constables to account before the Justices of peace or two of them, who shall take the said account, and may commit them to prison without bail, untill they pay all such arrerages as shall be adjudged by the said Justices. The said Bailiffs and High-constables upon their accounts shall be allowed for every pound they shall collect and pay eight pence for their own pains.

The successors of every Churchwarden shall have the like remedy against their successors, as is before appointed against the Bailiffs, &c.

All fines, amercements
L and

Fines and
forfeitures,
how they
shall be le-
vied and
bestowed.

and forfeitures, due for any offence against these Statutes shall be to the Churchwardens of every parish, wherein the offences shall be committed, to be bestowed upon the highwayes in the said parish.

All penalties or summes of ^{18. 211f.} _{cap. 10.} money forfeited for any cause within this Statute, shall be levied in every parish by the surveyers of the wayes within that parish for the time being by distresse and sale, in manner and form as fines or ameracements in leets have been used. And the money so levied, to be employed upon the highwayes where the offence was committed; and if the surveyers shall or will not levy and imploy the same within one yeare after the offence so committed, that then the same

same summes or forfeitures shall be levyed in form aforesaid by the Constables, or Churchwardens of the town or parish where the offence was committed; and that he or they so levying any of the said penalties or forfeitures shall make and yield such account as is appointed in the before recited statute.

9. Hen. 3. c. 14. No Town nor Free-man shall be constrained to make Bridges nor banks, but such as of old time and of right have been accustomed to make them. Who shall make and repair bridges.

22. Hen. 8. c. 5. Foure Justices of peace may award processe against them who ought to repair bridges.

Where it is not known who ought of right to repair a Bridge, foure Justices may tax the inhabitants of the Shire, Riding, City, or Town

corporate, as the case shall be, and may also make and appoint two Collectours of every Hundred, who may distrain for the money so taxed, and also may appoint two Surveyers, who shall see and direct the work, &c.

Where any is chargeable by law to repair a Bridge, ^{*Crompt.*} ^{*f. 186. b*} he must also maintain the way at each end thereof by the space of three hundred foot, though the soil belong to another.

If a man voluntarily maketh or mendeth a Bridge, ^{*21. Ed.*} ^{*4 46.*} Cawse or High-way, he is not compellable to do the same again, unlesse he or his ancestours have used so to do time out of mind.

If a man maketh a Bridge for easement to his mill, or the like, and it decayeth, he
nor

nor any other are chargeable to repair this, for it is no common passage.

Thus much concerning the Statutes for High-ways, &c. here followeth a word or two in explanation of them for the help of those that shall be chosen to this office.

2. & 3.
Phil. &
Mar.
cap. 8.

First therefore touching the election of these surveyers, &c. where the Statute appointeth to make choice of two honest persons of the parish to be Surveyers, it implyeth also, that they be discreet, and persons of some ability of estate, and not of the meaner sort of inhabitants (as the manner is) who neither dare command the service to be done, nor present it being undone, oft times for fear of displeasing those they depend upon.

Who ought to be chosen surveyers.

The Office and Dutie of

What waies
shall be re-
paired by
the Statute.

2. The six dayes work in-
joynd by this statute are to
be employed upon the High-
wayes in the parish, leading
to some market town, which
is *via Regia*, the Kings high-
way, free for all men to passe
with cart and carriage, and
they nor any part of them are
to be bestowed in the mend-
ing or repairing of any pri-
vate way or other field-way,
such as is called *Iter* or *Actus*,
unlesse the said High-wayes
be otherwise well and suffici-
ently repaired, and shall not
need the said whole six
dayes.

The same
dayes.

3. The Parochians must
go and perform the service
the same six dayes that are
appointed, and though they
shall do full six dayes work
at other times before Mid-
summer, yet are they pre-
sentable

sentable therefore, and shall be amerced.

4. If the said six dayes so appointed or any of them prove unseasonable for the service, these officers may appoint such or so many other dayes as shall be behind; and all persons are liable to do every thing as in the former six dayes; yea, by some opinions although Midsummer be past.

Other
dayes may
be appoint-
ed.

5. If the said six dayes be not sufficient to make their said wayes perfect, they ought to do more: for if the Township be indicted for any default in their said wayes, it will be no sufficient excuse or plea for them to alledge they have fully performed their dayes-works appointed by the Statutes, but for those dayes thus charged above the

Every town
must make
their wayes
passable
and good.

L 4 statute,

statute, no man shall be punished thereby for his neglect, but the whole Township or that person in whom the defect of the wayes is found, shall by the common law be indicted and fined.

Sufficient
at all times,

6. These Officers are not onely to see that these wayes be made good and sufficient for the summer time, but that they be good and sufficient also for the winter season.

Where a
township is
not able,

7. If a town or parish be not sufficient to repair their high-waies, the neighbouring towns that have frequent use of the said wayes shall aid and assist them with their helps; if they be insufficient, then the whole Hundred or Countie shall help them, because it is a publick good.

8. If the Kings high-waies be not passable, whereby the
Kings

Kings subjects cannot with safety passe them, they may ride over mens corn to passe that way, and there lyeth no action of trespassse against such for so doing.

Where
wayes are
impassable.

9. Where any summe or summes of money is or shall be given for the making, mending or repairing of any High-way, Cawfie, or the like, and it be insufficient to do the same, that town within which the said way doth lye ought to help to mend and repair the same.

Money gi.
ven to re-
pair a way.

Three sorts of persons are chargeable by law to repair High-ways.

1. The inhabitants of towns in generall.

Who are
charged to
mend the
wayes.

2. Those that by right or custome have alwayes done them.

3. Those that by new inclosures

closures against the High-
wayes straighten and annoy
the same.

Inclosures
against the
wayes.

10. Every person which
hath or shall make any in-
closure next the Kings High-
way adjoyning to his inclo-
sure, and if one man hath in-
closed on the one side, and
another on the other side,
both of them shall be char-
ged to mend the same way :
and he that hath land adjoy-
ning next the Kings High-
way by the common law
(before these statutes) was
bound of common right to
cleanse and scoure the ditches
adjoyning to the said way.

*Dun-
comb's
case.*

What a
Plow-land
is.

11. The Statute declareth
not what a plow-land con-
taineth : some hold that a
plow-land, *Carucata terra*, or
a hide of land, which is all
one, contains 120. acres;
others

others say that a plow-land (meant by the statute) is not of any certain content, but so much as a plow by course of husbandry can plow in a yeare, which is much more in some Countreys then in other, which occasioneth many contentions and much prejudice to the service in the repair of the high-ways, by reason that since this statute most men strive to get much more land into their hands then in former times, and do mannage with one plow almost double that quantity of land they then held, and many plow lands are so broken and divided, that they are lost, and yield no help to the maintenance of these wayes, besides the dayly ingrossing of farms which decayeth the strength of the king-

A carve of
land, or a
plow-land,
may con-
tain house,
meadows,
pasture,
wood.

Co. Lit.
fol. 69.

kingdome both in men and horse, diminisheth the Kings subsidies, the increase of corn and grain, hindereth hospitality, and the setting of poore men on work, oppresseth others by the often revolution of offices, and lastly the visible decay of the High-ways in all places occasioned by the lessening the number of draughts and teams, there being now scarce three parts of foure which were in former times; and therefore it were to be wished that a certain proportionable quantity of land might by agreement be assigned in every town according to the temper and disposition of the soil, what number of acres should be accounted a Plow-land, by which means many questions and controversies dayly arising

sing may be appeased, the number of plow-lands in every Town encreased, and consequently the high-waies in all places bettered and amended.

12. He that occupieth a plow-land in pasture, &c. and keepeth no cart or team, and he that keepeth a team or cart, and hath no land in occupation, are both of them charged by the Statute to provide one wain or cart furnished, &c. and two able men with tools and instruments.

Who are charged.

13. These supervisours are not onely to have respect to the number of the carriages and persons, but to the quality and condition of them, and that they be sufficient and meet for the service; for now he that hath foure or five horses, and maketh of them for

Carriages,
Persons,
Instru-
ments.

The Office and Dutie of

for his own occasions but one teem or draught, for the service of the high-ways divideth them into two, whereby this service is weakly performed: but it is the duty of these officers to see that the King and the Countrey be no worse served then themselves, and he that for his own private affairs doth usually, or for the most part of the year make two draughts, shall also for the King and his Countreys service be charged with 2. carts or draughts, though he occupie his land sometime with one plow. So are they to have regard to the persons that are to work, both where, when, what, and how they shall work, and where and how they shall load and bestow their materials; and if any shall do otherwise

Surveyers of High-ways.

therwise then they shall be appointed by these officers, they are liable to be presented by them.

Where it saith that no hired servant by the yeare shall be charged to this service, it is not intended that retainers to Noble men & gentlemen, parish clerks, common town-servants, as Shepherds, Heardmen, Haywards, and the like, that are inhabitants and of able bodies should hereby be discharged.

Hired servant.

15. By this word Sufficient-labourer is meant, men of able bodies, &c. not of women and children, which are usually imployed in this service.

Sufficient labourer.

16. Lastly, whereas it is thought that if the Surveyers shall not present the defaults of the parishioners, till after

Presentment.

The Office and Dutie of &c.

after the moneth, though the Justices do certifie it at the next Sessions, it is not good against the offender, yet if the Justice shall present the said default by his own authority, the delinquent shall not escape unpunished by the penalty of the Surveyer.

Surveyer
refuse.

And if any chosen to be Surveyers shall refuse or do not take upon him the execution of the said office, every Justice of peace may present it ; but yet it is fit that another be chosen in his stead.

FINIS.

